

# SUPPLEMENT 8 (7-2020)

## Insertion Guide

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

(Covering general ordinances effective through 06-30-20 and numbered through 20-52)

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

	.....	xi
2-17 – 2-18	.....	2-17 – 2-18
2-105	.....	2-105 – 2-110

#### Chapter 3 Signs

3-3 – 3-6	.....	3-3 – 3-6
3-15 – 3-18	.....	3-15 – 3-18

#### Chapter 5 Building

iii – iv	.....	iii – iv
5-109 – 5-118	.....	5-109 – 5-135

#### Chapter 12 Improvements By Assessments

12-1 – 12-4	.....	12-1 – 12-4
12-15 – 12-18	.....	12-15 – 12-20
12-23 – 12-24	.....	12-23 – 12-24
12-35 – 12-36	.....	12-35 – 12-36

**VOLUME 2**

Vol. 2 Cover Page ..... Vol. 2 Cover Page

**Chapter 19 Real Property Taxes**

i – ii	.....	i – ii`
19-23 -19-26	.....	19-23 – 19-26
19-71 – 19-72	.....	19-71 – 19-72

**Chapter 24 Traffic Schedules**

24A-19 – 24A-22	.....	24A-19 – 24A-22
24A-63 – 24A-66	.....	24A-63 – 24A-66

**Chapter 25 Zoning**

25-101 – 25-102	.....	25-101 – 25-102
-----------------	-------	-----------------

**Chapter 25 Zoning Annexes**

25A-5 – 25A-6	.....	25A-5 – 25A-6
25A-25 – 25A-26	.....	25A-25 – 25A-26
25A-51 – 25A-52	.....	25A-51 – 25A-52
25A-81 – 25A-82	.....	25A-81 – 25A-82

**VOLUME 3**

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

**Index**

I-23 – I-24	.....	I-23 – I-24
I-27 – I-28	.....	I-27 – I-28
I-39 – I-40	.....	I-39 – I-40

**Legislative History**

T-1 – T-4	.....	T-1 – T-4
T-25	.....	T-25 – T-27

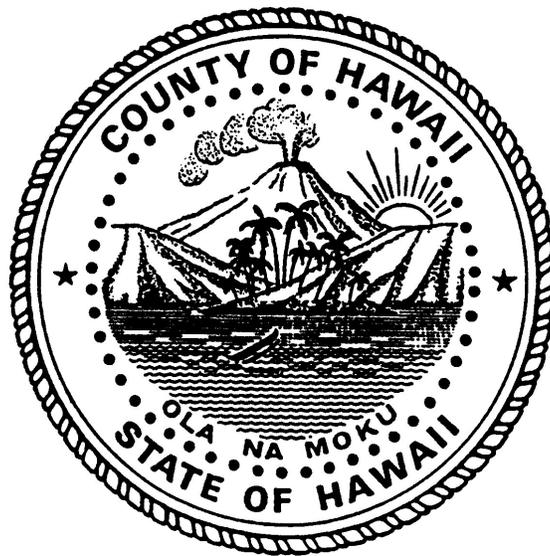
**Supplement Insert Guide**

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# THE HAWAI‘I COUNTY CODE

## 1983 (2016 Edition, as amended)

Update to include: Supplement 8 (7-2020)  
Contains ordinances effective through: 06-30-2020



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

Office of the County Clerk  
County of Hawai‘i  
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Hilo, Hawai‘i 96720  
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# Volume One



## **Article 47. Disaster Relief and Recovery.**

- Section 2-246. Findings and purpose.
- Section 2-247. Definitions.
- Section 2-248. Applicability; restrictions of funding source; County reservation of funds.
- Section 2-249. Administration.
- Section 2-250. Eligible organizations.
- Section 2-251. Conditions for grants.
- Section 2-252. Procedure for awarding grants.
- Section 2-253. Criteria.
- Section 2-254. Maximum grant award.
- Section 2-255. No lapse of disaster relief funds.
- Section 2-256. Records, reporting, and fiscal accountability requirements.
- Section 2-257. Indemnification.
- Section 2-258. Rules.

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**Section 2-37. Sustainability Action Committee.**

- (a) There shall be designated within the department of research and development a sustainability action committee, which shall sit in an advisory capacity to the director of the department on matters that support a sustainable economy, society and environment and are within the department's purview to include energy, business development, agriculture, tourism, film, community development, climate change, and other related subjects. The department shall provide support service to the committee.
- (b) Membership and term. The committee shall be composed of five members, who shall be appointed by the mayor and confirmed by the council. Any member of the committee may be removed upon recommendation of the mayor and the approval of the council. Members shall serve a term of five years. However, for the initial appointment of members, one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. In addition to the five members, the director or the director's designee will serve as an ex-officio member of the committee.
- (c) The members shall be broadly representative of the County and shall be selected on the basis of their knowledge, expertise, proven innovative and technical skills and ability to network and source cutting edge technologies, with interests in one or more of the following areas: agriculture, business, energy, tourism, community, economics, planning, architectural design, community facilitation, environmental science, and Hawaiian culture.
- (d) No member shall be eligible for a second appointment to the committee prior to the expiration of two years, provided that members appointed for a term of one year or two years shall be eligible to succeed themselves for an additional term.
- (e) No member whose term has expired shall continue to serve on the commission, except that if no successor has been appointed and confirmed, the member shall continue to serve for ninety days or until a successor is appointed and confirmed, whichever comes first.
- (f) Any vacancy occurring in the committee shall be filled for the unexpired term.
- (g) Not more than a bare majority of the members shall belong to the same political party.
- (h) Members shall receive no compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. Necessary expenses may be paid in advance as per diem allowance pursuant to chapter 2, article 16 of the Hawai'i County Code.
- (i) A chairperson shall be elected from its membership annually.
- (j) The affirmative vote of a majority of those members present shall be necessary to make any action valid.
- (k) The committee shall have the power to establish its rules of procedure necessary for the conduct of its business, which rules shall contain the time and place of all regular meetings, and which shall specify that a quorum shall be a majority of the members to which the committee is entitled.

- (l) No person shall, by reason of occupation alone, be barred from serving as a member of this committee.
  - (m) The council shall act to confirm or reject any appointment made to the committee by the mayor within forty-five days after receiving notice of the appointment from the mayor. If the council does not confirm or reject any such appointment within forty-five days, the appointee shall be deemed to have been confirmed.
- (2007, ord 07-161, sec 1; am 2020, ord 20-26, secs 1 and 2.)

**Section 2-37.1. Duties of the committee.**

- (a) The sustainability action committee shall make recommendations and support the department's integration of planning and implementation of sustainable principles in its work with communities, businesses and other agencies.
  - (b) The sustainability action committee shall support and make recommendations to:
    - (1) Raise awareness of what the term sustainability represents and the guiding principles of sustainability;
    - (2) Conduct environmental scans to assess current conditions as they relate to the guiding principles of sustainability;
    - (3) Identify a vision for sustainability and recommend solutions; and
    - (4) Support the development of sustainability actions plans.
  - (c) The sustainability action committee shall support, monitor and comment on the department's efforts to effectuate sustainable planning, policies, programs, projects and operations.
- (2007, ord 07-161, sec 1.)

**Section 2-37.2. Guidelines for committee recommendations.**

- (a) The sustainability action committee shall apply guiding principles of sustainability as a framework for identification of issues, research and innovative actions. These principles shall include:
  - (1) Reduced dependence upon fossil fuels, extracted underground metals and minerals;
  - (2) Reduced dependence on chemicals and other manufactured substances that can accumulate in nature;
  - (3) Reduced dependence on activities that harm life-sustaining ecosystems; and
  - (4) Meeting the hierarchy of human needs fairly and efficiently.
- (b) The sustainability action committee shall employ a "systems approach" to identify upstream root causes and outcomes and shall recommend appropriate research, planning and implementation initiatives; outcome measures and indicators; engagements and partnerships as may be necessary to guide the department to innovative and successful sustainable models that effectuate the purpose of this article.

- (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.)

**Article 47. Disaster Relief and Recovery.****Section 2-246. Findings and purpose.**

The purpose of this article is to establish standards for the appropriation of disaster relief funds that the County received, or may receive, for the purposes of providing relief, recovery, mitigation, and remediation assistance for disaster damage, losses, and suffering caused by the 2018 Kīlauea eruption. The Council finds that the appropriation of the disaster relief funds in accordance with this article constitutes a valid public purpose.

(2020, ord 20-28, sec 1.)

**Section 2-247. Definitions.**

As used in this article, unless otherwise specified:

“Director” means the director of finance of the County.

“Disaster relief” means monies awarded in the form of a grant to an eligible nonprofit organization for the purposes of relief, recovery, mitigation, or remediation following the 2018 Kīlauea eruption.

“Disaster relief funds” means funds from other public entities or private donors appropriated to the County for the purposes of relief, recovery, mitigation, or remediation following the 2018 Kīlauea eruption.

“Nonprofit organization” means an organization organized for other than profit-making purposes and which has a current 501(c)(3) tax-exemption from the Internal Revenue Code.

(2020, ord 20-28, sec 1.)

**Section 2-248. Applicability; restrictions of funding source; County reservation of funds.**

- (a) This article shall apply exclusively to the appropriation of disaster relief funds for the purpose of providing disaster relief to eligible nonprofit organizations. This article shall not apply to any other County funds not appropriated for disaster relief purposes.
- (b) If the funding source of the disaster relief funds imposes restrictions on the use of the disaster relief funds that are contrary to, or conflict with, the uses allowed under this article, the restrictions imposed by the funding source shall govern, and the director shall not appropriate any of those funds under this article.
- (c) Notwithstanding the ability to award grants under this article, the County reserves the right to use disaster relief funds for grant matching purposes.

(2020, ord 20-28, sec 1.)

**Section 2-249. Administration.**

The director shall administer all matters covered under this article.

(2020, ord 20-28, sec 1.)

**Section 2-250. Eligible organizations.**

- (a) The granting of disaster relief funds under this article shall be made only to nonprofit organizations that demonstrate the following:
  - (1) Clear evidence that the nonprofit organization meets the eligibility requirements set forth in section 2-137 of this chapter; and
  - (2) Eligibility to receive disaster relief through substantiated documents, studies, photographs, or other similar evidence that is deemed satisfactory by the director.
- (b) The nonprofit organization applying for a grant of disaster relief funds shall bear the burden of substantiating the claim for disaster relief.

(2020, ord 20-28, sec 1.)

**Section 2-251. Conditions for grants.**

- (a) Before receiving any grant, nonprofit organizations to whom a grant has been awarded shall agree to comply with the conditions set forth in section 2-138 of this chapter.
- (b) The grant award shall be used for expenses that are reasonably and directly related to the relief, recovery, mitigation, or remediation of the claim for disaster relief.
- (c) The grant award shall not be used to design or construct buildings, structures, fixtures, real property, or any parts thereof, that did not lawfully exist, or that were not properly permitted, prior to the 2018 Kīlauea eruption.
- (d) The grant award may be used for capital improvement purposes, including but not limited to, design and construction of buildings, structures, fixtures, real property, or any parts thereof, so long as the purpose of the capital improvement is to restore, repair, rebuild, replace, or rehabilitate a building, structure, fixture, real property, road, highway, or any parts thereof, that were destroyed, shown to be at risk, or otherwise damaged by the 2018 Kīlauea eruption. Any such capital improvement may occur on public or private property.
- (e) Before receiving any grant, nonprofit organizations to whom a grant has been awarded shall certify to the director that any building, structure, fixture, real property, or the like, for which any disaster relief is sought, lawfully existed and was otherwise properly permitted and in compliance with applicable State and County laws, prior to the 2018 Kīlauea eruption; but where any building, structure, fixture, real property, or the like, is not properly permitted, after an inspection of the building, structure, fixture, real property, or the like, a grant may be awarded upon the issuance of a temporary certificate of occupancy from the director of public works.
- (f) The nonprofit organization to whom a grant has been awarded for capital improvement purposes shall obtain all necessary permits prior to commencing any capital improvement work.

- (g) In accordance with subsections (c), (d), (e), and (f) of this section, the grant award may be used for capital improvement purposes where the awarded nonprofit organization has a real property interest less than fee simple, whose lease is for at least fifteen years with the property owner.
- (h) The nonprofit organization to whom a grant has been awarded shall not use the disaster relief funds for anything other than those uses as duly approved by the director.
- (i) In the event that the nonprofit organization is unable or unwilling to use the disaster relief funds as were duly approved by the director in accordance with this article, the director shall direct the return of the full grant amount or balance of the unexpended disaster relief funds.
- (j) The director shall have the authority to require that the awarded nonprofit organization use the disaster relief funds by a particular date, which may be extended upon the request of the nonprofit organization and the approval of the director in writing.

(2020, ord 20-28, sec 1.)

**Section 2-252. Procedure for awarding grants.**

- (a) All grant awards made to a nonprofit organization under this article shall be made in accordance with the following procedures set forth in this section, including that the applicant shall:
  - (1) Submit a letter to the director demonstrating that it meets all requirements set forth in section 2-250;
  - (2) Propose a grant amount and provide its proposed use, which shall be in compliance with section 2-251, for the disaster relief funds, if awarded;
  - (3) Attach all necessary documentation to its letter to the director, including the information set forth in section 2-250 and section 2-251(e);
  - (4) Include a \$25 processing fee with its letter; and
  - (5) Submit the letter, all necessary documentation, and processing fee to the director no later than the deadline determined by the director. For any disaster relief funds received after the deadline, the director shall determine a new deadline for the submittal of any letters and all necessary documentation and processing fee provided for in this section.
- (b) The director, or the director's designee, shall evaluate the submitted letters and necessary documentation and determine if the nonprofit organization is eligible to receive disaster relief funds under this article.
- (c) If the director, or the director's designee, finds that a nonprofit organization is eligible to receive disaster relief funds, the director shall use the criteria set forth in section 2-253 to assess the amount of disaster relief funds that may be awarded to that nonprofit organization.
- (d) If disaster relief funds remain available after all initial awards are provided pursuant to the deadline set forth in subsection (a), nonprofit organizations not previously awarded disaster relief funds under this article may apply for a grant by the deadline set by the director.

- (e) Grant awards of \$25,000 or less may be authorized solely by the director.
  - (f) Grant awards in excess of \$25,000 shall specifically identify the organization receiving the grant funds and the purpose for which the grant funds shall be used in a resolution.
- (2020, ord 20-28, sec 1.)

**Section 2-253. Criteria.**

The director shall take the following criteria into consideration when determining the amount of a grant award:

- (1) The extent to which the organization has the capacity to carry out the proposed use of the disaster relief funds;
- (2) The strength of fiscal and administrative controls to properly manage the disaster relief funds;
- (3) The ability to leverage or obtain other funds to contribute to the proposed use of the disaster relief funds;
- (4) The extent to which the proposed use of the disaster relief funds reflects a coherent and feasible approach, including a reasonable timeline for completion of the work, which shall demonstrate how the proposed use intends to address the relief, recovery, mitigation, and/or remediation following the 2018 Kīlauea eruption; and
- (5) The submittal of a realistic, thorough, and accurate budget for the proposed use of the disaster relief funds.

(2020, ord 20-28, sec 1.)

**Section 2-254. Maximum grant award.**

A nonprofit organization shall not be awarded more than \$500,000 under this article. This maximum grant award amount shall not apply to other grant amounts that may have been awarded, or may be awarded in the future, to the same nonprofit organization under article 25 of this chapter.

(2020, ord 20-28, sec 1.)

**Section 2-255. No lapse of disaster relief funds.**

The disaster relief funds held in the account shall not lapse, and shall remain in the account until appropriated, and shall be available until fully expended.

(2020, ord 20-28, sec 1.)

**Section 2-256. 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 that sufficiently and properly account for the expenditure of the disaster relief funds. The books, records, and documents shall be subject at all reasonable times to inspection, reviews, or audits by the director and the legislative auditor, or by their designated representatives.
- (b) The director may request periodic written reports on the use of the disaster relief funds.

- (c) The nonprofit organization shall submit a written report to the director within sixty days after the final expenditure of the amount of disaster relief funds that was awarded. The report shall include, but not be limited to, a detailed description focusing on specific, measureable outcomes of how the disaster relief funds were used 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 from the date of the final expenditure of the amount of disaster relief funds that was awarded, the director shall require the nonprofit organization to return all grant funds awarded and deem the nonprofit organization ineligible to receive future grant awards for at least the following fiscal year, and for all subsequent fiscal years until such time as the written report is submitted to, and accepted by, the director.
- (e) Should the director determine that the written report is deficient in any way, the nonprofit organization shall be notified of the deficiencies and shall provide additional information to mitigate the deficiencies within thirty days of notice. Noncompliance shall constitute a violation of this section.

(2020, ord 20-28, sec 1.)

**Section 2-257. Indemnification.**

All contracts executed under this article shall contain a provision that the awarded grantee shall save, indemnify, defend, and hold harmless the County against any claims arising from the award or use of disaster relief funds.

(2020, ord 20-28, sec 1.)

**Section 2-258. Rules.**

The director may adopt administrative rules pursuant to chapter 91 of the Hawaii Revised Statutes, as amended, as may be necessary to implement this article.

(2020, ord 20-28, sec 1.)

- (6) “Commercial” or “commercial interests” means relating to any provision or proposal of a commercial transaction, or locating or otherwise enabling or promoting any business or activity or establishment that proposes commercial transactions.
- (7) “Council” means the Hawai‘i County council.
- (8) “Department” means the County department of public works.
- (9) “Design commission” means the appropriate board, commission, or committee established by ordinance to review the design of structures in a special district listed in chapter 25, article 7.
- (10) “Director” means the director of the County department of public works or the director of the department of public work’s duly authorized County representative.
- (11) “Directory sign” means a special type of ground or wall sign which identifies and attracts attention to any property or premises and which lists, indicates, or identifies a business building, business complex, or two or more business activities conducted on the premises. Such signs shall conform to the applicable ground or wall sign requirements of this chapter.
- (12) “Display case” means a case, cabinet, or other device placed out of doors or affixed to a building which is used as a sign.
- (13) “District” means a zoning district as established in the County zoning code. For the purposes of this chapter, zoning districts shall be divided into three major categories, “residential,” “commercial/industrial,” and “agricultural/open.”
  - (A) “Residential district” includes the following districts:
    - (i) RS, single-family residential district;
    - (ii) RD, double-family residential district; and
    - (iii) RM, multiple-family residential district.
  - (B) “Commercial/industrial district” includes the following districts:
    - (i) RCX, residential commercial mixed district;
    - (ii) V, resort-hotel district;
    - (iii) CN, neighborhood commercial district;
    - (iv) CG, general commercial district;
    - (v) CV, village commercial district;
    - (vi) MCX, industrial commercial mixed district;
    - (vii) ML, limited industrial district; and
    - (viii) MG, general industrial district.
  - (C) “Agricultural/open district” includes the following districts:
    - (i) RA, residential and agricultural district;
    - (ii) FA, family agricultural district;
    - (iii) A, agricultural district;
    - (iv) IA, intensive agricultural district; and
    - (v) O, open district.

- (14) “Ground sign” means any sign supported by or located upon any fence or independent support that is placed on, or anchored in, the ground and that is independent from any building. “Fence” means an enclosing or dividing framework for land, yard, or garden and includes any type of freestanding or retaining wall.
- (15) “Graphic design” means any design or portrayal painted or applied directly on an exterior wall, fence, awning, window, or other structure, which is readily visible from any public street, and which has as its purpose an artistic effect, and is not primarily the identification of the premises or the advertisement or promotion of the interests of any private or public firm, person or organization.
- (16) “Illuminated sign” means any sign in which the characters, letters, figures, designs, and/or outlines are illuminated by electric lights or luminous tubes.
- (17) “Indirect lighting” means any external sign illumination which is not an integral part of the sign itself.
- (18) “Kailua Industrial Subdivision” means the area bounded by and adjacent to the following:

Beginning at the northwest corner of the intersection of Kaiwi Street and Kuakini Highway, then westerly along Kuakini Highway, then turning northerly along the western boundary of TMK: 7-4-010:007 and continuing northerly along the west boundary of the lots along the west side of Kaiwi Street to the northwest boundaries of TMK: 7-4-015:016, then southeasterly along the makai boundary of Queen Ka‘ahumanu Highway. Then turning southwesterly along the eastern boundary of the ‘Eho Street right-of-way. Then turning southeasterly along the mauka boundary of ‘Ālapa Street and continuing to the southeast corner of TMK: 7-4-010:043. Then turning southwesterly along the eastern boundary of TMK: 7-4-010:043 and continuing to the southeast corner of TMK: 7-4-010:001 at the mauka side of Kuakini Highway. Then westerly along the mauka side of Kuakini Highway to the point of beginning.
- (19) “Kailua Village core” means the area bounded by or adjacent to Ali‘i Drive, Palani Road, Kuakini Highway, and Lunapule Road.
- (20) “Lot” means a building site or a parcel of land with an assigned tax map key number.
- (21) “Marquee sign” means any sign attached to or hung from a marquee. “Marquee” means any canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building.
- (22) “Painted window signs” means any sign painted on a window which exceeds two square feet in size. This qualifies as a sign in lieu of a wall sign.
- (23) “Pedestrian way” means a public right-of-way or easement between or through lots for pedestrian use.

- (24) “Person” or words denoting persons, for instance, “another,” “others,” “any,” “anyone,” “anybody,” and the like signify not only individuals, but corporations, firms, associations, societies, communities, assemblies, inhabitants of a district, or neighborhood, or persons known or unknown, and the public generally, where it appears, from the subject matter, the sense and connection in which such words are used, that such construction is intended.
- (25) “Portable sign” means any sign that is not an aerial sign and is not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels, signs converted to A-frames or T-frames, menu and sandwich board signs, and signs attached to or painted on vehicles parked and visible from any public street, park, other public place or pedestrian way, unless said vehicle is driven in the normal day-to-day operation of the business.
- (26) “Projecting sign” means any sign affixed or attached to a building wall or structure and extending beyond the building wall or structure more than fifteen inches with an incidence angle of greater than thirty degrees.
- (27) “Roof sign” means any sign erected, constructed, and maintained wholly upon and over the roof of any building. “Roof” means the cover of a building, including the roofing and all other material and construction (such as supporting members) necessary to carry and maintain it over the walls or uprights. “Roofing” means any material used as a roof covering, including, but not limited to shingles, slate, sheet metal, or tile. “Mansard” means a double-pitched roof with the lower slope steeper than the top.
- (28) “Sign” means any device, figure, painting, picture, drawing, placard, poster, awning, canopy, street clock, light, model, notice or bill, including any announcement, declaration, display, illustration, insignia, or message which is:
- (A) Used to advertise or promote the interests of any person or entity or to communicate information of any kind to the public;
  - (B) Placed on or applied to real property outdoors, attached to the exterior of buildings or structures or is located or displayed directly on the exterior or interior surface of a window; and
  - (C) Visible from any public street, park, other public place or pedestrian way. A sign also includes, but is not limited to, any and all pictorial representations, letters, numerals, emblems, flags, banners, pennants, inscriptions, or patterns whether affixed to a building, painted, or otherwise depicted on a building, or placed separate from any building; provided that traffic control devices prescribed by chapter 291C, Hawai‘i Revised Statutes, shall not be construed as signs under this chapter. “Signs” as used in this chapter is not meant to include or prohibit street addresses required by chapter 14, sculpted ornamental shrubbery or ground cover, or signage that is constitutionally protected or otherwise permitted by state or federal law.

- (29) “Street” means a public right-of-way or easement intended for vehicular and/or pedestrian use that provides direct or indirect access to property. “Street frontage” means that portion of a building site that has a common boundary line with a street right-of-way boundary line.
- (30) “Temporary painted window sign” means any noncommercial painted sign on a window that is seasonal or temporary in nature.
- (31) “Temporary sign” means any sign which is not permanently installed or constructed as required under divisions 8 and 9, such as outdoor decorations or advertising devices announcing an event, a meeting or series of meetings, if displayed on the premises where the event, meeting or series of meetings will be or is being held. Meeting, as used in this section, includes all meetings whether open to the public or not, or whether conducted for profit or not, and, including but not limited to, sports events, conventions, fairs, rallies, plays, lectures, concerts, motion pictures, dances, and religious services.
- (32) “Wall” means any structure which has a slope of sixty degrees or greater with the horizontal plane and which serves to enclose or subdivide a building. Fences, which mean enclosing or dividing frameworks for land, yard, or gardens, shall not be considered to be walls for purposes of this chapter.
- (33) “Wall sign” means any sign which is affixed to an exterior wall of any building when the sign projects not more than fifteen inches from the building wall, structure, or its parts, or a sign attached to a marquee. A wall sign does not include a sign on a mansard, or sloped roof or roof-like facade on a building, each of which is considered a roof sign. The maximum height of a wall sign shall be measured from the finished floor level to the top of the sign.
- (34) “Window” means an aperture or opening in the wall of a building which admits light and/or air to the interior of the building and allows visibility from within and without.
- (35) “Window sign” means any sign which is located or displayed directly on the inside or outside of a window surface.
- (2004, ord 04-142, sec 2; am 2020, ord 20-19, sec 2.)

### **Division 3. Sign Area/Size Calculation.**

#### **Section 3-4. Single-faced signs.**

- (a) The size of signs shall be measured and determined in the following manner:
- (1) If a sign is on a plate or is framed or roofed, all of the plate or frame or roof shall be included in the dimensions.
  - (2) If a sign is not on a plate or is not framed but is partly or entirely outlined by a light line or area, or if the sign is on a plate or is framed and circumscribed by a larger light line or area, all of the area circumscribed by a light line or area shall be included in the dimensions/size.

**Section 3-17. Compliance with chapter.**

Any permit, variance, or other approval issued pursuant to this chapter shall comply with all applicable requirements of this chapter.

(2004, ord 04-142, sec 2.)

**Section 3-18. Action on permit application.**

(a) Upon receiving an application for a sign permit, submitted pursuant to this chapter, the director shall:

- (1) Review the permit application for completeness; and
- (2) If the application is deficient, identify and notify the applicant of the deficiencies; or
- (3) If the application is complete, process the application.

(b) Within sixty days of receiving a complete application for a sign permit, and unless the applicant has provided written consent for a time extension, the director shall either:

- (1) Issue the sign permit in writing, if:
  - (A) After an examination of the plans, specifications, and other data, the director finds that the sign(s) that is the subject of the application conforms in every respect with the requirements of this chapter and all applicable County, State, or Federal laws or regulations;
  - (B) The application has been reviewed and approved by the electrical inspector, if required pursuant to section 3-15;
  - (C) The application has been reviewed by the applicable design commission or committee, if required by this chapter; and
  - (D) Applicable sign permit fees have been received; or
- (2) Reject the sign permit in writing, if the sign that is the subject of the application fails in any way to conform with the requirements of this chapter.

(c) In case of a rejection, the director shall:

- (1) Specify in writing the section or sections of this chapter with which the application is inconsistent; and
- (2) Provide the applicant with information about any applicable variance or appeal processes contained in this chapter or otherwise permitted by law.

(2004, ord 04-142, sec 2; am 2015, ord 15-46, sec 2.)

**Section 3-19. Permit contents and record.**

(a) Permits shall be numbered and shall contain the following information:

- (1) The permit number and the date of issuance;
- (2) The name of the property owner and sign owner;
- (3) The location of the sign(s), including tax map key number;
- (4) In the case of a temporary sign or banner, the date of expiration of the permit; and
- (5) The amount of any fees paid.

(b) The director shall maintain for public inspection a record of all permits issued.

(2004, ord 04-142, sec 2.)

**Section 3-20. Inspection upon completion.**

A permittee shall, upon completion of the installation, construction, erection, relocation or alteration of the sign, notify the director who shall inspect the sign for compliance with the permit and this chapter. The director may revoke any sign permit issued upon failure of the holder of the permit to comply with any provision of this chapter.

(2004, ord 04-142, sec 2.)

**Section 3-21. Time limit on permit.**

If the work authorized under a sign permit is not started within twelve months after the date of issuance, or if work is suspended for more than ninety calendar days, the permit shall be void without any further action, and any sign installed, constructed, erected, relocated, or altered under that permit is in violation of this chapter.

(2004, ord 04-142, sec 2.)

**Division 6. Variances.****Section 3-22. Variances.**

- (a) In unique cases where strict enforcement of this chapter would result in unnecessary hardship or practical difficulty, and where desirable relief may be granted without detriment to the public interest, convenience, or welfare, the director may grant a request for a variance from any provision of this chapter.
- (b) If the subject parcel is located in a special district with a design commission, the director shall refer the variance application to the planning director and design commission for their respective comments and recommendations. The planning director and the design commission shall each submit comments and recommendations on the proposed variance within sixty days from the date that the proposed variance is transmitted to the planning director and the design commission. Should either the planning director or the applicable design commission, or both, fail to provide comments or recommendations within the sixty-day review period, the public works director may proceed to act on the variance application as that director deems appropriate.
- (c) Variance applications shall be submitted upon a form designated by the director and shall include at a minimum, the following information and attachments:
  - (1) The sign owner's and the property owner's name, phone number, and mailing address;
  - (2) The location, tax map key number, and zoning of the property upon which the sign is located;
  - (3) A map showing:
    - (A) The location of the sign; and
    - (B) All streets adjacent to the lot or building where the sign is located;
  - (4) A photo or drawing of the relevant sign(s);
  - (5) A citation of the code section from which a variance is requested;
  - (6) A complete copy of any sign permit application or rejection of the sign permit, if any;

- (7) An explanation of any unique circumstances, in particular, those arising from peculiar physical conditions not ordinarily found in most districts, peculiarity of the business, or other special event or circumstance;
  - (8) An explanation of why granting the variance will not adversely affect the rights of adjacent property owners or tenants, including an explanation of alternative measures, if any, that the applicant is proposing to take in lieu of compliance with the applicable code section;
  - (9) Notice of the variance application shall be mailed by the applicant to all property owners and tenants within three hundred feet of the affected property. The notice shall designate a public comment period of not less than twenty days from the date of the mailing. The director shall consider proof of service, good faith efforts to serve notice, and any written comments received, as part of the application;
  - (10) An explanation of why the variance will not unreasonably violate the interest, safety, convenience, or general welfare of the public;
  - (11) An explanation of why a strict application of the terms of this chapter would work an unnecessary hardship and practical difficulty upon the applicant or the community;
  - (12) If applicable, the planning director's and design commission's written comments and recommendations; and
  - (13) Any fee(s), prescribed by this chapter.
- (d) Upon review of a complete application, the director shall render a final decision, which may be preceded by a preliminary review and recommendation, and may be appealed to the board of appeals.
- (2004, ord 04-142, sec 2; am 2008, ord 08-3, sec 1; am 2020, ord 20-19, sec 3.)

**Section 3-23. Variances; criteria for granting.**

- (a) Only in situations where the following conditions exist may a variance be granted:
  - (1) Granting the variance is necessitated by peculiar physical conditions not ordinarily found in most districts, because of the peculiarity of a business, or as a result of a special event or circumstance;
  - (2) Granting the variance will not adversely affect the rights of adjacent property owners or tenants;
  - (3) Granting the variance will not unreasonably violate the interest, safety, convenience, or general welfare of the public;
  - (4) A strict application of the terms of this chapter would work unnecessary hardship and practical difficulty upon the applicant or the community;
  - (5) Granting the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical ordinances, statutes, or rules; and
  - (6) The application is complete.
- (b) In and of itself, prior construction of a sign without a permit, regardless of the cost or value of the sign, shall not be deemed to constitute sufficient reason to grant a variance.

(2004, ord 04-142, sec 2; am 2020, ord 20-19, sec 3.)

**Division 7. Fees.****Section 3-24. Permit/variance fees.**

- (a) Applicants for sign permits pursuant to this chapter shall pay the following nonrefundable fees:
- (1) For a new sign permit, \$25 for each sign; and
  - (2) For a sign permit for a sign erected prior to obtaining a sign permit \$100 for each sign.
- (b) For sign variances, pursuant to this chapter, \$100 for each sign or an amount equal to ten percent of the total value of the sign(s), excluding installation costs, whichever is greater.
- (2004, ord 04-142, sec 2.)

**Section 3-25. Disposition of fees.**

- (a) The following monies collected under this chapter shall be used exclusively to support the administration and enforcement of this chapter and efforts to educate and inform the public about the County's sign law:
- (1) Permit and variance application fees; and
  - (2) Fines, minus costs of collection, that are collected pursuant to this chapter.
- (b) The director of public works shall keep an accurate record, in a form approved by the director of finance, of all fees and fines received and any disbursements made pursuant to this chapter and shall deposit all monies received with the treasurer.
- (c) The director of public works shall render an account of all monies received and disbursed pursuant to this article to the council on or before March 1 of each year.
- (2004, ord 04-142, sec 2.)

**Division 8. Construction Specifications.****Section 3-26. Wind resistance; support.**

Every sign shall be constructed to withstand, i.e. not flap, bend, or move when subjected to, wind pressure of not less than thirty pounds per square foot of area. In addition, all signs shall be rigidly and firmly braced, or securely attached or anchored to the building, structure, or ground.

(2004, ord 04-142, sec 2.)

- Section 5-55. Reserved.
- Section 5-56. Reserved.
- Section 5-57. Reserved.

**Division 7. Violations, Enforcement, and Penalties.**

- Section 5-58. General provisions.
- Section 5-59. Notice of violation.
- Section 5-60. Administrative enforcement.
- Section 5-61. Penal enforcement.
- Section 5-62. Injunctive action.
- Section 5-63. Reserved.
- Section 5-64. Reserved.

**Division 8. Variances and Appeals.**

- Section 5-65. Variances.
- Section 5-66. Appeals regarding alternative materials and methods of construction.
- Section 5-67. Other appeals.
- Section 5-68. Rules; Adoption by board of appeals.
- Section 5-69. Reserved.
- Section 5-70. Reserved.

**Article 3. Installation Requirements.**

- Section 5-71. Amendments to adopted International Building Code.
- Section 5-72. Reserved.
- Section 5-73. Reserved.

**Article 4. Adoption, Amendment, and Addition of Appendices.**

**Division 1. Appendices of International Building Code Adopted.**

- Section 5-74. Appendices not applicable.
- Section 5-75. Appendices adopted.
- Section 5-76. Amendments to Appendix C; Group U – Agricultural Buildings.
- Section 5-77. Reserved.

**Division 2. Appendices Added to the International Building Code.**

- Section 5-78. Appendices added to International Building Code.
- Section 5-79. Appendix L; Factory-built Housing.
- Section 5-80. Appendix M; Thatch Material on Exterior of Buildings - Protection Against Exposure Fires.

- Section 5-81. Appendix U; Hawai'i Hurricane Sheltering Provisions for New Construction.
- Section 5-82. Appendix W; Hawai'i Wind Design Provisions for New Constructions.
- Section 5-83. Appendix X; Indigenous Hawaiian Architecture Structures.

**Article 5. Energy Conservation.**

- Section 5-84. Purpose.
- Section 5-85. International Energy Conservation Code adopted.

**Article 5. Adoption of the International Energy Conservation Code.  
[Former] Repealed.**

(2012, ord 12-27, sec 2; rep 2020, ord 20-10, sec 1.)

**Article 5. Energy Conservation.**

**Section 5-84. [Former] Repealed.**

(2012, ord 12-27, sec 2; rep 2020, ord 20-10, sec 1.)

**Section 5-84. Purpose.**

This article adopts with amendments, the International Energy Conservation Code, 2015 Edition, as it was incorporated into the Hawai'i State Energy Conservation Code that became effective on March 31, 2017. The purpose of the resulting article is to promote the design of energy-efficient building envelopes and installation of energy-efficient mechanical, lighting, and power systems by establishing minimum standards that promote modern and up-to-date energy-efficient performance in the construction, alteration, or equipment of buildings or structures in the County of Hawai'i.

(2020, ord 20-10, sec 2.)

**Section 5-85. International Energy Conservation Code adopted.**

- (a) The "International Energy Conservation Code, 2015 Edition" herein referred to as the "International Energy Conservation Code," as copyrighted and published in 2015 by the International Code Council, Incorporated, 500 New Jersey Avenue, 6th Floor, Washington, DC 20001, is incorporated by reference and made a part of this chapter, subject to the amendments hereinafter set forth in this article. The appendices of the International Energy Conservation Code are not adopted except as provided in this article. A copy of the International Energy Conservation Code shall be available for public inspection at the Hilo and Kailua-Kona offices of the department of public works and at the office of the county clerk.
- (b) This incorporation by reference includes all parts of the International Energy Conservation Code, 2015 Edition, subject to the amendments hereinafter set forth.
  - (1) Subsection C101.1 of the International Energy Conservation Code is amended to read as follows:
 

**"C101.1 Title.** This code shall be known as the Energy Conservation Code and shall be cited as such. "This code" when used within the International Energy Conservation Code as incorporated by reference herein, means the Energy Conservation Code of the County of Hawai'i."
  - (2) Subsection C101.4 of the International Energy Conservation Code is amended to read as follows:
 

**"C101.4 Applicability.** Where, in any specific case, different sections of this code or other adopted codes specify different materials, methods of construction or other requirements, the *code official* shall determine which code requirements shall prevail. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern."

- (3) Subsection C102.1 of the International Energy Conservation Code is amended to read as follows:

**“C102.1 General.** This code is not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such construction, design or insulating system has been *approved* by the *code official* as meeting the intent of this code.

The *code official* may allow alternative energy conservation standards for nonstandard building materials, unique or limitations of design, special methods of construction, and geographical location. The *code official* may require construction plans, research reports, and tests prepared by a registered design professional in order to determine whether to allow such lower standards.”

- (4) Subsection C103.1 of the International Energy Conservation Code is amended to read as follows:

**“C103.1 General.** Construction documents and other supporting data shall be submitted to indicate compliance with this code. The construction documents shall be prepared, designed, approved, and observed by a duly registered licensed professional as required by chapter 464, Hawaii Revised Statutes and in accordance with the provisions of chapter 5, Hawaii County Code. The licensed professional shall certify via a signed statement on the plans, that the project complies with this code.

**Exception:** Any building work that is not required to be prepared, designed, approved, or observed by a licensed professional architect or engineer pursuant to chapter 464, Hawaii Revised Statutes, shall be certified by the owner.”

- (5) Subsections C103.3.2 and C103.3.3 of the International Energy Conservation Code are deleted in their entirety.
- (6) Subsection C202 of the International Energy Conservation Code is amended by adding the following new definitions to be appropriately inserted and to read as follows:

**“CODE OFFICIAL.** The director of the department of public works of the County of Hawaii, the director’s authorized representative, or other designated authority charged with the administration and enforcement of this code.”

**“COOL ROOF.** A cool roof is a roofing system that can deliver high solar reflectance, and high thermal emittance as specified in table C402.3.”

**“HABITABLE SPACE.** A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.”

**“OCCUPIABLE SPACE.** A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes or in which occupants are engaged at labor, and which is equipped with means of egress and light and ventilation facilities meeting the requirements of this code.”

**“UNCONDITIONED FLOOR AREA.** The horizontal projection of the floors associated with the unconditioned space.”

**“UNCONDITIONED SPACE.** An area, room or space that is enclosed within the building thermal envelope and is not directly nor indirectly heated or cooled.”

- (7) Subsection C401.2 of the International Energy Conservation Code is amended to read as follows:

**“C401.2 Application.** Commercial buildings shall comply with one of the following:

1. The requirements of ANSI/ASHRAE/IESNA 90.1.
2. The requirements of Sections C402 through C405. In addition, commercial buildings shall comply with Section C406 and tenant spaces shall comply with Section C406.1.1.
3. The requirements of Sections C402.5, C403.2, C404, C405.2, C405.3, C405.5, C405.6 and C407. The building energy cost shall be equal to or less than 85 percent of the standard reference design building.

**Exception:** For buildings 2,500 square feet or less with 4 tons of cooling or less where it is determined by the code official that the building configuration is similar to that of a residential building, the requirements in Sections R401.2.1 Tropical Zone shall be permitted to be used.”

- (8) Subsection C402.1.1 of the International Energy Conservation Code is amended to read as follows:

**“C402.1.1 Low-energy use buildings.** The following low-energy use buildings, or portions thereof separated from the remainder of the building by *building thermal envelope* assemblies complying with this section, shall be exempt from the *building thermal envelope* provisions of Section C402.

1. Those with a peak design rate of energy usage less than 3.4 Btu/h·ft<sup>2</sup> (10.7 W/m<sup>2</sup>) or 1.0 watt per square foot (10.7 W/m<sup>2</sup>) of floor area for space conditioning purposes.
2. Unconditioned space that does not contain occupiable space and/or habitable space.
3. Greenhouses.
4. Open park pavilions where there is no enclosed space.”

- (9) Table C402.1.3 from the International Energy Conservation Code is deleted in its entirety and replaced with the following:

**“TABLE C402.1.3  
OPAQUE THERMAL ENVELOPE INSULATION COMPONENT  
MINIMUM REQUIREMENTS, R-VALUE METHOD<sup>a</sup> - CLIMATE ZONE 1**

<b>CLIMATE ZONE 1</b>		
	<b>All other</b>	<b>Group R</b>
<b>Roofs</b>		
Insulation entirely above roof deck	R-10ci	R-12.5ci
Metal buildings <sup>a, b</sup>	R-30 or R-19 with cool roof <sup>c</sup>	R-30 or R-19 with cool roof <sup>c</sup>
Attic and other	R-30 or R-19 with cool roof <sup>c</sup>	R-30 or R-19 with cool roof <sup>c</sup>
<b>Walls, above grade</b>		
Mass	R-5.7ci <sup>d</sup>	R-5.7ci <sup>d</sup>
Metal building	R-13 + R-6.5ci	R-13 + R-6.5ci
Metal framed	R-13 + R-5ci	R-13 + R-5ci

Wood framed and other	R-13 + R-3.8ci or R-20	R-13 + R-3.8ci or R-20
<b>Walls, below grade</b>		
Below-grade wall	NR	NR
<b>Floors</b>		
Mass	NR	NR
Joist/framing	NR	NR
<b>Slab-on-grade floors</b>		
Unheated slabs	NR	NR
Heated slabs	R-7.5 for 12" below	R-7.5 for 12" below
<b>Opaque doors</b>		
Nonswinging	R-4.75	R-4.75

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 4.88 kg/m<sup>2</sup>, 1 pound per cubic foot = 16 kg/m<sup>3</sup>.

ci = Continuous insulation, NR = No requirement, LS = Liner system.

- a. Assembly descriptions can be found in ANSI/ASHRAE/IESNA Appendix A.
- b. Where using *R*-value compliance method, a thermal spacer block shall be provided, otherwise use the *U*-factor compliance method in Table C402.1.4.
- c. Cool roof is defined as a roof with three-year aged solar reflectance of 0.55 and 3-year aged thermal emittance of 0.75 or 3-year aged solar reflectance index of 64.
- d. R-5.7ci is allowed to be substituted with concrete block walls complying with ASTM C 90, ungrouted or partially grouted at 32 inches or less on center vertically and 48 inches or less on center horizontally, with ungrouted cores filled with materials having maximum thermal conductivity of 0.44 Btu-in/h-f<sup>2</sup> °F. See Section C402.2.3."

- (10) Subsection C402.2.3 of the International Energy Conservation Code is amended to read as follows:

**“C402.2.3 Thermal resistance of above-grade walls.** The minimum thermal resistance (*R*-value) of materials installed in the wall cavity between framing members and continuously on the walls shall be as specified in Table C402.1.3, based on framing type and construction materials used in the wall assembly.

**Exceptions:**

Continuous insulation for wood, metal framed, and mass walls are not required when at least one of the following conditions is met:

1. Walls have a covering with a reflectance of  $\geq 0.64$ .
2. Walls have overhangs with a projection factor equal to or greater than 0.3. The projection factor is the horizontal distance from the surface of the wall to the farthest most point of the overhang divided by the vertical distance from the first floor level to the bottom most point of the overhang.
3. Concrete, CMU, and similar mass walls are 6 inches or greater in thickness.

The *R*-value of integral insulation installed in concrete masonry units shall not be used in determining compliance with Table C402.1.3.

“Mass walls” shall include walls:

1. Weighing not less than 35 psf (170 kg/m<sup>2</sup>) of wall surface area.
2. Weighing not less than 25 psf (120 kg/m<sup>2</sup>) of wall surface area where the material weight is not more than 120 pcf (1900 kg/m<sup>3</sup>).
3. Having a heat capacity exceeding 7 Btu/ft<sup>2</sup> · °F (144 kJ/m<sup>2</sup> · K).
4. Having a heat capacity exceeding 5 Btu/ft<sup>2</sup> · °F (103 kJ/m<sup>2</sup> · K), where the material weight is not more than 120 pcf (1900 kg/m<sup>3</sup>).”

- (11) Table C402.4 from the International Energy Conservation Code is deleted in its entirety and replaced with the following:

**“TABLE C402.4  
BUILDING ENVELOPE FENESTRATION  
MAXIMUM *U*-FACTOR AND SHGC REQUIREMENTS -  
CLIMATE ZONE 1**

CLIMATE ZONE	1
<b>Vertical fenestration</b>	
<b>U-factor</b>	
Fixed fenestration	0.50
Operable fenestration	0.65
Entrance doors	1.10

SHGC <sup>b</sup>		
Orientation <sup>a</sup>	SEW	N
PF < 0.2	0.25	0.33
0.2 ≤ PF < 0.5	0.30	0.37
PF ≥ 0.5	0.40	0.40
Skylights		
U-factor	0.75	
SHGC	0.35	

NR = No requirement, PF = Projection factor.

- a. “N” indicates vertical fenestration oriented within 45 degrees of true north. “SEW” indicates orientations other than “N.” For buildings in the southern hemisphere, reverse south and north.
- b. Exception: Jalousie windows are exempt from SHGC requirements.”

- (12) A new subsection C402.4.3.5 is added to the International Energy Conservation Code to read as follows:

**“C402.4.3.5 Area-weighted SHGC.** In commercial buildings, an area-weighted average of fenestration products shall be permitted to satisfy SHGC requirements.

**Exception:** Jalousie windows are exempt from SHGC requirements.”

- (13) Subsection C402.5 of the International Energy Conservation Code is amended to read as follows:

**“C402.5 Air leakage-thermal envelope (Mandatory).** The *thermal envelope* of buildings shall comply with Sections C402.5.1 through C402.5.8, or the building *thermal envelope* shall be tested in accordance with ASTM E 779 at a pressure differential of 0.3 inch water gauge (75 Pa) and deemed to comply with the provisions of this section when the tested air leakage rate of the building thermal envelope is not greater than 0.40 cfm/ft<sup>2</sup> (0.2 L/s · m<sup>2</sup>). Where compliance is based on such testing, the building shall also comply with Sections C402.5.5, C402.5.6 and C402.5.7.”

- (14) A new subsection C403.2.4.2.4 is added to the International Energy Conservation Code to read as follows:

**“C403.2.4.2.4 Door switches.** Opaque and glass doors opening to the outdoors in hotel and motel sleeping units, guest suites, and time-share condominiums, shall be provided with controls that disable the mechanical cooling or reset the cooling setpoint to 90° F or greater within five minutes of the door opening. Mechanical cooling may remain enabled if the outdoor air temperature is below the space temperature.”

- (15) Subsection C405.2 of the International Energy Conservation Code is amended to read as follows:

**“C405.2 Lighting controls (Mandatory).** Lighting systems shall be provided with controls as specified in Sections C405.2.1, C405.2.2, C405.2.3, C405.2.4 and C405.2.5.

**Exceptions:** Lighting controls are not required for the following:

1. Areas designated as security or emergency areas that are required to be continuously lighted.
2. Interior exit stairways, interior exit ramps and exit passageways.
3. Emergency egress lighting that is normally off.
4. Spaces where the designed lighting power densities are less than 70% of the lighting power densities specified in Table C405.4.2(1) and Table C405.4.2(2).”

- (16) Subsection C405.2.4 of the International Energy Conservation Code is amended to read as follows:

**“C405.2.4 Specific application controls.** Specific application controls shall be provided for the following:

1. Display and accent light shall be controlled by a dedicated control that is independent of the controls for other lighting within the room or space.
2. Lighting in cases used for display case purposes shall be controlled by a dedicated control that is independent of the controls for other lighting within the room or space.
3. Hotel and motel sleeping units, guest suites, and time-share condominiums shall have a master control device that is capable of automatically

switching off all installed luminaires and switched receptacles within 20 minutes after all occupants leave the room.

**Exception:** Lighting and switched receptacles controlled by captive key systems.

4. Supplemental task lighting, including permanently installed under-shelf or under-cabinet lighting, shall have a control device integral to the luminaires or be controlled by a wall-mounted control device provided that the control device is readily accessible.
  5. Lighting for nonvisual applications, such as plant growth and food warming, shall be controlled by a dedicated control that is independent of the controls for other lighting within the room or space.
  6. Lighting equipment that is for sale or for demonstrations in lighting education shall be controlled by a dedicated control that is independent of the controls for other lighting within the room or space.”
- (17) A new subsection C405.10 is added to the International Energy Conservation Code to read as follows:

**“C405.10 Sub-metering (Mandatory).** In new buildings with tenants, metering shall be collected for the entire building and individually for each tenant occupying 1,000 ft<sup>2</sup> (total enclosed and unenclosed) (93 m<sup>3</sup>) or more. Tenants shall have access to data collected for their space. A tenant is defined as “one who rents or leases from a landlord.”

- (18) Subsection C406.3 of the International Energy Conservation Code is amended to read as follows:

**“C406.3 Reduced lighting power density.** The total interior lighting power (watts) of the building shall be determined by using 80 percent of the lighting power values specified in Table C405.4.2(1) times the floor area for the building types, or by using 80 percent of the interior lighting power allowance calculated by the Space-by-Space Method in Section C405.4.2.”

- (19) Subsection C408.2 of the International Energy Conservation Code is amended to read as follows:

**“C408.2 Mechanical systems and service water-heating systems commissioning and completion requirements.** The *registered design professional* or *approved agency* shall provide evidence of mechanical systems *commissioning* and completion in accordance with the provisions of this section to the owner or owner’s authorized agent.

*Construction document* notes shall clearly indicate provisions for *commissioning* and completion requirements in accordance with this section and are permitted to refer to specifications for further requirements. Copies of all documentation shall be given to the owner or owner's authorized agent and made available to the *code official* upon request in accordance with Sections C408.2.4 and C408.2.5.

**Exceptions:** The following systems are exempt:

1. Mechanical systems and service water heater systems in buildings where the total mechanical equipment capacity is less than 480,000 Btu/h (140.7 kW) cooling capacity and 600,000 Btu/h (175.8 kW) combined service water-heating and space-heating capacity.
  2. Systems included in Section C403.3 that serve individual *dwelling units* and *sleeping units*.”
- (20) Subsection C408.2.4.1 of the International Energy Conservation Code is deleted in its entirety.
- (21) Subsection C408.3.1 of the International Energy Conservation Code is amended to read as follows:
- “**C408.3.1 Functional Testing.** The *registered design professional* shall provide to the owner or owner's representative evidence that the lighting control systems have been tested to ensure that control hardware and software are calibrated, adjusted, programmed and in proper working condition in accordance with the *construction documents* and manufacturer's instructions. Functional testing shall be in accordance with Sections C408.3.1.1 and C408.3.1.2 for the applicable control type.”
- (22) Subsection C501.4 of the International Energy Conservation Code is amended to read as follows:
- “**C501.4 Compliance.** *Alterations, repairs, additions* and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions and regulations for *alterations, repairs, additions* and changes of occupancy or relocation, as adopted by the building official.”

- (23) Subsection C503.3.1 of the International Energy Conservation Code is amended to read as follows:

**“C503.3.1 Roof replacement.** *Roof replacement* of uninsulated roofs shall include at least one of the following:

1. Energy Star compliant roof covering;
2. Radiant barrier; or
3. Attic ventilation via solar attic fan(s), or ridge ventilation, or gable ventilation.”

- (24) Subsection R101.1 of the International Energy Conservation Code is amended to read as follows:

**“R101.1 Title.** This code shall be known as the Energy Conservation Code, and shall be cited as such. “This code” when used within the International Energy Conservation Code as incorporated by reference herein, means the Energy Conservation Code of Hawai‘i County.”

- (25) Subsection R103.1 of the International Energy Conservation Code is amended to read as follows:

**“R103.1 General.** Construction documents and other supporting data shall be submitted to indicate compliance with this code. The construction documents shall be prepared, designed, approved, and observed by a duly registered licensed professional as required by chapter 464, Hawai‘i Revised Statutes and in accordance with the provisions of chapter 5, Hawai‘i County Code. The licensed professional shall certify via a signed statement on the plans, that the project complies with this code.

**Exception:** Any building, electrical, or plumbing work that is not required to be prepared, designed, approved, or observed by a licensed professional architect or engineer pursuant to chapter 464, Hawai‘i Revised Statutes, shall be certified by the owner.”

- (26) Subsections R103.3.2 and R103.3.3 of the International Energy Conservation Code are deleted in their entirety.

- (27) Subsection R202 of the International Energy Conservation Code is amended by adding the following new definitions to be appropriately inserted and to read as follows:

**“CODE OFFICIAL.** The director of the department of public works of the County of Hawai‘i, the director’s authorized representative, or other designated authority charged with the administration and enforcement of this code.”

“**COOL ROOF.** A cool roof is a roofing system that can deliver high solar reflectance, and high thermal emittance as specified in table C402.3.”

“**HABITABLE SPACE.** A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, garages or carports, and similar areas are not considered habitable spaces.”

“**OCCUPIABLE SPACE.** A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes or in which occupants are engaged at labor, and which is equipped with means of egress and light and ventilation facilities meeting the requirements of this code.”

“**UNCONDITIONED FLOOR AREA.** The horizontal projection of the floors associated with the unconditioned space.”

“**UNCONDITIONED SPACE.** An area, room or space that is enclosed within the building thermal envelope and is not directly nor indirectly heated or cooled.”

- (28) Subsection R401.2 of the International Energy Conservation Code is amended to read as follows:

“**R401.2 Compliance.** Projects shall comply with one of the following:

1. Sections R401.3 through R404.
2. Section R405 and the provisions of Sections R401 through R404 labeled “Mandatory.”
3. An energy rating index (ERI) approach in Section R406.
4. The tropical zone requirements in Section R401.2.1 and R401.3.”

- (29) Subsection R401.2.1 of the International Energy Conservation Code is amended to read as follows:

“**R401.2.1 Tropical zone.** *Residential buildings* in the tropical zone at elevations below 5,000 feet above sea level shall be deemed to comply with this chapter where the following conditions are met:

1. Not more than one-half of the dwelling unit area is air conditioned.
2. The dwelling unit is not heated.

3. Solar, wind, or other renewable energy source supplies not less than 90 percent of the energy for service water heating.  
**Exception:** A water heating device as approved via Solar Hot Water Heater Variance by the Department of Business, Economic Development & Tourism, Hawai'i State Energy Office.
4. Glazing in dwelling units shall have a maximum *solar heat gain coefficient* as specified in Table R401.2.1.

Table 401.2.1  
 Vertical Fenestration Glazing SHGC Requirements

Projection Factor (pf) of overhang from base of average vertical fenestration glazing sill*	SHGC
< 0.30	0.25
0.30 – 0.49	0.40
≥ 0.50	N/A

\*Exceptions:

- a. North-facing vertical fenestration glazing with pf > 0.20 are exempt from SHGC requirements. Overhangs shall extend 2 feet on each side of vertical fenestration glazing or to nearest wall, whichever is less.
- b. Jalousie windows are exempt from SHGC requirements.
- c. "N" indicates vertical fenestration oriented within 45 degrees of true north. "SEW" indicates orientations other than "N".

5. Skylights in dwelling units shall have a maximum U-factor as specified in Table R402.1.2.
6. Permanently installed lighting is in accordance with Section R404.
7. The roof/ceiling complies with one of the following options:
  - A. Comply with one of the roof surface options in Table C402.3 and install R-13 insulation or greater.
  - B. Install R-19 insulation or greater.

If present, attics above the insulation are vented and attics below the insulation are unvented.

**Exception:** The roof/ceiling assembly is permitted to comply with Section R407.

8. Operable fenestration provides ventilation area equal to not less than 14 percent of the floor area in each habitable room. Alternatively, equivalent ventilation of 2 air changes per hour is provided by a mechanical ventilation fan.
  9. Bedrooms with exterior walls facing two different directions have operable fenestration on exterior walls facing two different directions.
  10. Interior doors to bedrooms are capable of being secured in the open position.
  11. A ceiling fan, ceiling fan rough-in, or whole-house fan is provided for bedrooms and the largest space that is not used as a bedroom.
  12. Walls, floors, and ceilings separating air conditioned spaces from non-air conditioned spaces shall be constructed to limit air leakage in accordance with the requirements in Table R402.4.1.1. Blower door test is optional.”
- (30) Subsection R401.3 of the International Energy Conservation Code is amended to read as follows:

**“R401.3 Certificate (Mandatory).** A permanent certificate shall be completed by the builder or registered design professional and posted on a wall in the space where the furnace is located, a utility room or an approved location inside the building. Where located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label or other required labels. The certificate shall:

1. List the predominant *R*-values of insulation installed in or on ceiling/roof, walls, and ducts outside conditioned spaces; *U*-factors for fenestration and the solar heat gain coefficient (SHGC) of fenestration, and the results from any required duct system and building envelope air leakage testing done on the building. Where there is more than one value for each component, the certificate shall list the value covering the largest area.
2. List the types and efficiencies of heating, cooling and service water heating equipment. Where a gas-fired unvented room heater, electric furnace or baseboard electric heater is installed in the residence, the certificate shall list “gas-fired unvented room heater,” “electric furnace” or “baseboard electric

heater,” as appropriate. An efficiency shall not be *listed* for gas-fired unvented room heaters, electric furnaces or electric baseboard heaters.

3. Indicate which areas have been designed and constructed as conditioned or unconditioned space.
  4. Include the following text: “The addition of mechanical cooling or heating to an unconditioned space requires a building permit. The addition of cooling without proper design and construction can have adverse health, safety, and conservation consequences.””
- (31) Subsection R402.1 of the International Energy Conservation Code is amended to read as follows:

**“R402.1 General (Prescriptive).**

The *building thermal envelope* shall meet the requirements of Sections R402.1.1 through R402.1.5.

**Exception:** The following low-energy buildings, or portions thereof, separated from the remainder of the building by *building thermal envelope* assemblies complying with this section shall be exempt from the *building thermal envelope* provisions of Section R402.

1. Those with a peak design rate of energy usage less than 3.4 Btu/h · ft<sup>2</sup> (10.7 W/m<sup>2</sup>) or 1.0 watt/ft<sup>2</sup> (10.7 W/m<sup>2</sup>) of floor area for space-conditioning purposes.
2. Unconditioned space that does not contain habitable space.
3. Unconditioned dwellings with enclosed habitable areas less than 1,100 square feet.”
4. Dwellings with permitted, off-grid, self supplying photovoltaic with battery back up.”

(32) TABLE R402.1.2 of the International Energy Conservation Code is deleted in its entirety and replaced with the following:

**“TABLE R402.1.2  
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT<sup>a</sup>**

CLIMATE ZONE	FENESTRATION U-FACTOR <sup>b</sup>	SKYLIGHT U-FACTOR <sup>b</sup>	GLAZED FENESTRATION SHGC <sup>b, c, g</sup>	CEILING R-VALUE <sup>d</sup>	WOOD FRAME WALL R-VALUE <sup>d</sup>	MASS WALL R-VALUE <sup>e, f</sup>	FLOOR R-VALUE	BASEMENT WALL R-VALUE	SLAB R-VALUE & DEPTH	CRAWL SPACE WALL R-VALUE
1	NR	0.75	0.25	30	13	3/4	0	0	0	0

For SI: 1 foot = 304.8 mm

- a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration. Exception: Skylights may be excluded from glazed fenestration SHGC requirements in climate zones 1 through 3 where the SHGC for such skylights does not exceed 0.30.
- c. Exception: If fenestration have overhangs with projection factors, the maximum solar heat gain coefficient shall be as specified in Table R401.2.1.
- d. R402.1.2 and R402.2 allow use of R407.
- e. The second R-value applies when more than half the insulation is on the interior of the mass wall.
- f. Exception: R-value for mass walls are not required if: mass walls have a covering with reflectance of  $\geq 0.64$ ; mass walls have overhangs with a projection factor equal to or greater than 0.3. CMU or similar mass walls are 6 inches or greater in thickness.
- g. Exception: Jalousie windows are exempt from SHGC requirements.”

(33) Subsection R402.1.2 of the International Energy Conservation Code is amended to read as follows:

**“R402.1.2 Insulation and fenestration criteria (Prescriptive).**  
The *building thermal envelope* shall meet the requirements of Table R402.1.2,

**Exception:** Insulation values of above-grade walls and ceilings shall be permitted to comply with Section R407.”

(34) Subsection R402.2 of the International Energy Conservation Code is amended to read as follows:

**“R402.2 Specific insulation requirements (Prescriptive).**  
In addition to the requirements of Section R402.1, insulation shall meet the specific requirements of Sections R402.2.1 through R402.2.13.

**Exception:** Above-grade walls and ceilings shall be permitted to comply with Section R407.”

- (35) Subsection R402.2.5 of the International Energy Conservation Code is amended to read as follows:

**“R402.2.5 Mass walls.** Mass walls for the purposes of this chapter shall be considered above-grade walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth) and solid timber/logs, or any other walls having a heat capacity greater than or equal to 6 Btu/ft<sup>2</sup> x °F (123 kJ/m<sup>2</sup> x K).

**Exception:** Insulation or *R*-value for mass walls, indicated in Table R402.1.2, is not required when at least one of the following conditions is met:

1. Walls have a covering with a reflectance of  $\geq 0.64$ .
2. Walls have overhangs with a projection factor equal to or greater than 0.3. The projection factor is the horizontal distance from the surface of the wall to the farthest most point of the overhang divided by the vertical distance from the first floor level to the bottom most point of the overhang.
3. Concrete, CMU, and similar mass walls are 6 inches or greater in thickness.”

- (36) Subsection R402.3.2 of the International Energy Conservation Code is amended to read as follows:

**“R402.3.2 Glazed fenestration SHGC.** Fenestration shall have a maximum solar heat gain coefficient as specified in Table R402.1.2. An area-weighted average of fenestration products more than 50-percent glazed shall be permitted to satisfy the SHGC requirements.

**Exceptions:**

1. Jalousie windows are exempt from SHGC requirements.
2. If fenestrations have overhangs with projection factors, the maximum solar heat gain coefficient shall be as specified in Table R401.2.1.

*Dynamic glazing* shall be permitted to satisfy the SHGC requirements of Table R402.1.2 provided the ratio of the higher to lower labeled SHGC is greater than or equal to 2.4, and the *dynamic glazing* is automatically controlled to modulate the amount of solar gain into the space in multiple steps. *Dynamic glazing* shall be considered separately from other fenestration, and area-weighted averaging with other fenestration that is not dynamic glazing shall not be permitted.

**Exception:** Dynamic glazing is not required to comply with this section when both the lower and higher labeled SHGC already comply with the requirements of Table R402.1.2.”

- (37) Subsection R402.4.1.2 of the International Energy Conservation Code is amended to read as follows:

**“R402.4.1.2 Testing.** The building or dwelling unit may be tested and verified as having an air leakage rate not exceeding five air changes per hour in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8. Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping or other infiltration control measures.
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.
3. Interior doors, if installed at the time of the test, shall be open.
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.
5. Heating and cooling systems, if installed at the time of the test, shall be turned off.
6. Supply and return registers, if installed at the time of the test, shall be fully open.”

- (38) A new subsection R403.5.5 is added to the International Energy Conservation Code to read as follows:

**“R403.5.5 Solar water heating.** Solar water heating systems are required for new single-family residential construction pursuant to section 196-6.5, Hawaii Revised Statutes.

**Exception:** A water heating device as approved via Solar Hot Water Heater Variance by the Department of Business, Economic Development & Tourism, Hawaii State Energy Office.”

- (39) A new subsection R404.2 is added to the International Energy Conservation Code to read as follows:

**“R404.2 Ceiling Fans.** A ceiling fan, ceiling fan rough-in, or whole house fan may be provided for bedrooms and the largest habitable space that is not used as a bedroom.”

- (40) A new subsection R404.3 is added to the International Energy Conservation Code to read as follows:

**“R404.3 Electrical vehicle charger power.** An electrical rough-in of a 30 amp circuit for future electrical vehicle charger may be installed in garage/carport area.”

- (41) TABLE 405.5.2(1) of the International Energy Conservation Code is amended to read as follows:

**“TABLE R405.5.2(1)  
SPECIFICATIONS FOR THE STANDARD REFERENCE AND  
PROPOSED DESIGNS**

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Above-grade walls	Type: mass wall if proposed wall is mass; otherwise wood frame	As proposed
	Gross area: same as proposed	As proposed
	U-factor: as specified in Table R402.1.4	As proposed
	Solar absorptance = 0.75	As proposed
	Emittance = 0.90	As proposed
Basement and crawl space walls	Type: same as proposed	As proposed
	Gross area: same as proposed	As proposed
	U-factor: from Table R402.1.4, with insulation layer on interior side of walls	As proposed
Above-grade floors	Type: wood frame	As proposed
	Gross area: same as proposed	As proposed
	U-factor: as specified in Table R402.1.4	As proposed
Ceilings	Type: wood frame	As proposed
	Gross area: same as proposed	As proposed
	U-factor: as specified in Table R402.1.4	As proposed
Roofs	Type: composition shingle on wood sheathing	As proposed
	Gross area: same as proposed	As proposed
	Solar absorptance = 0.75	As proposed
	Emittance = 0.90	As proposed
Attics <sup>i</sup>	Type: vented with aperture = 1 ft <sup>2</sup> per 300 ft <sup>2</sup> ceiling area	As proposed

Foundations	Type: same as proposed	As proposed
	Foundation wall area above and below grade and soil characteristics: same as proposed	As proposed
Opaque doors	Area: 40 ft <sup>2</sup>	As proposed
	Orientation: North	As proposed
	U-factor: same as fenestration from Table R402.1.4	As proposed
Vertical fenestration other than opaque doors	Total area <sup>h</sup> = (a) The proposed glazing area, where the proposed glazing area is less than 15 percent of the conditioned floor area (b) 15 percent of the conditioned floor area, where the proposed glazing area is 15 percent or more of the conditioned floor area	As proposed
	Orientation: equally distributed to four cardinal compass orientations (N, E, S & W).	As proposed
	U-factor: as specified in Table R402.1.4	As proposed
	SHGC: as specified in Table R402.1.2 except that for climates with no requirement (NR) SHGC = 0.40 shall be used.	As proposed
	Interior shade fraction: $0.92 - (0.21 \times \text{SHGC for the standard reference design})$	$0.92 - (0.21 \times \text{SHGC as proposed})$
	External shading: none	As proposed
Skylights	None	As proposed
Thermally isolated sunrooms	None	As proposed
Air exchange rate	Air leakage rate of 5 air changes per hour in climate zones 1 and 2, and 3 air changes per hour in climate zones 3 through 8 at a pressure of 0.2 inches w.g (50 Pa). The mechanical ventilation rate shall be in addition to the air leakage rate and the same as in the proposed design, but no greater than $0.01 \times CFA + 7.5 \times (N_{br} + 1)$  where: CFA = conditioned floor area N <sub>br</sub> = number of bedrooms Energy recovery shall not be assumed for mechanical ventilation.	For residences that are not tested, the same air leakage rate as the standard reference design.  For tested residences, the measured air exchange rate <sup>a</sup> .  The mechanical ventilation rate <sup>b</sup> shall be in addition to the air leakage rate and shall be as proposed.

<p>Mechanical ventilation</p>	<p>None, except where mechanical ventilation is specified by the proposed design, in which case:</p> <p>Annual vent fan energy use:  <math>\text{kWh/yr} = 0.03942 \times CFA + 29.565 \times (N_{br} + 1)</math></p> <p>where:  <i>CFA</i> = conditioned floor area  <i>N<sub>br</sub></i> = number of bedrooms</p>	<p>As proposed</p>
<p>Internal gains</p>	<p><math>IGain = 17,900 + 23.8 \times CFA + 4104 \times N_{br}</math>          (Btu/day per dwelling unit)</p>	<p>Same as standard reference design</p>
<p>Internal mass</p>	<p>An internal mass for furniture and contents of 8 pounds per square foot of floor area</p>	<p>Same as standard reference design, plus any additional mass specifically designed as a thermal storage element<sup>c</sup> but not integral to the building envelope or structure.</p>
<p>Structural mass</p>	<p>For masonry floor slabs, 80 percent of floor area covered by R-2 carpet and pad, and 20 percent of floor directly exposed to room air.</p>	<p>As proposed</p>
	<p>For masonry basement walls, as proposed, but with insulation required by Table R402.1.4 located on the interior side of the walls</p>	<p>As proposed</p>
	<p>For other walls, for ceilings, floors, and interior walls, wood frame construction</p>	<p>As proposed</p>
<p>Heating systems<sup>d, e</sup></p>	<p>Fuel type: same as proposed design.</p>	<p>As proposed</p>
	<p>Efficiencies:          Electric: Air-source heat pump with prevailing federal minimum standards.</p>	<p>As proposed</p>
	<p>Nonelectric furnaces: natural gas furnace with prevailing federal minimum standards.</p>	<p>As proposed</p>
	<p>Nonelectric boilers: natural gas boiler with prevailing federal minimum standards.</p>	<p>As proposed</p>
	<p>Capacity: sized in accordance with Section R403.7.</p>	<p>As proposed</p>

Cooling systems <sup>d, f</sup>	Fuel type: Electric Efficiency: in accordance with prevailing federal minimum standards. Capacity: sized in accordance with Section R403.7.	As proposed  As proposed
Service water heating <sup>d, e, f, g</sup>	Fuel type: same as proposed design Efficiency: in accordance with prevailing federal minimum standards.  Use: Same as proposed design	As proposed As proposed  gal/day = 30 + (10 × N <sub>br</sub> )
Thermal distribution systems	Duct insulation: From Section R403.2.1  A thermal distribution system efficiency (DSE) of 0.88 shall be applied to both the heating and cooling system efficiencies for all systems other than tested duct systems. For tested duct systems, the leakage rate shall be 4 cfm (113.3 L/min) per 100 ft <sup>2</sup> (9.29 m <sup>2</sup> ) of <i>conditioned floor</i> area at a pressure of differential of 0.1 inches w.g. (25 Pa).	As tested or as specified in Table R405.5.2(2) if not tested. Duct insulation shall be as proposed.
Thermostat	Type: Manual, cooling temperature setpoint = 75°F; Heating temperature setpoint = 72°F	Same as standard reference

For SI: 1 square foot = 0.93 m<sup>2</sup>, 1 British thermal unit = 1055 J, 1 pound per square foot = 4.88 kg/m<sup>2</sup>, 1 gallon (US) = 3.785 L, °C = (°F-32)/1.8, 1 degree = 0.79 rad.

- a. Where required by the *code official*, testing shall be conducted by an *approved* party. Hourly calculations as specified in the ASHRAE *Handbook of Fundamentals*, or the equivalent shall be used to determine the energy loads resulting from infiltration.
- b. The combined air exchange rate for infiltration and mechanical ventilation shall be determined in accordance with Equation 43 of 2001 ASHRAE *Handbook of Fundamentals*, page 26.24 and the “Whole-house Ventilation” provisions of 2001 ASHRAE *Handbook of Fundamentals*, page 26.19 for intermittent mechanical ventilation.
- c. Thermal storage element shall mean a component not part of the floors, walls or ceilings that is part of a passive solar system, and that provides thermal storage such as enclosed water columns, rock beds, or phase-change containers. A thermal storage element must be in the same room as fenestration that faces within 15 degrees (0.26 rad) of true south, or must be connected to such a room with pipes or ducts that allow the element to be actively charged.
- d. For a proposed design with multiple heating, cooling or water heating systems using different fuel types, the applicable standard reference design system capacities and fuel types shall be weighted in accordance with their respective loads as calculated by accepted engineering practice for each equipment and fuel type present.
- e. For a proposed design without a proposed heating system, a heating system with the prevailing federal minimum efficiency shall be assumed for both the standard reference design and proposed design.

- f. For a proposed design home without a proposed cooling system, an electric air conditioner with the prevailing federal minimum efficiency shall be assumed for both the standard reference design and the proposed design.
- g. For a proposed design with a nonstorage-type water heater, a 40-gallon storage-type water heater with the prevailing federal minimum energy factor for the same fuel as the predominant heating fuel type shall be assumed. For the case of a proposed design without a proposed water heater, a 40-gallon storage-type water heater with the prevailing federal minimum efficiency for the same fuel as the predominant heating fuel type shall be assumed for both the proposed design and standard reference design.
- h. For residences with conditioned basements, R-2 and R-4 residences and townhouses, the following formula shall be used to determine glazing area:  

$$AF = A_s \times FA \times F$$
where:  
 $AF$  = Total glazing area  
 $A_s$  = Standard reference design total glazing area.  
 $FA$  = (Above-grade thermal boundary gross wall area)/(above-grade boundary wall area + 0.5 × below-grade boundary wall area).  
 $F$  = (Above-grade thermal boundary wall area)/(above-grade thermal boundary wall area + common wall area) or 0.56, whichever is greater.  
and where:  
Thermal boundary wall is any wall that separates conditioned space from unconditioned space or ambient conditions.  
Above-grade thermal boundary wall is any thermal boundary wall component not in contact with soil.  
Below-grade boundary wall is any thermal boundary wall in soil contact.  
Common wall area is the area of walls shared with an adjoining dwelling unit.  
 $L$  and  $CFA$  are in the same units.
- i. Unvented Attic Spaces. The attic space shall be permitted to be unvented when the design professional determines it would be beneficial to eliminate ventilation openings to reduce salt-laden air and maintain relative humidity 60 percent or lower to:
- (1) Avoid corrosion to steel components,
  - (2) Avoid moisture condensation in the attic space, or
  - (3) Minimize energy consumption for air conditioning or ventilation by maintaining satisfactory space conditions in both the attic and occupied space below.”

- (42) A new section R407 is added to the International Energy Conservation Code to read as follows:

**“SECTION R407  
POINTS OPTION**

**R407.1 General (Prescriptive).** Above-grade walls and roofs are permitted to comply with the points option as an alternative to complying with Sections R401.2.1, R402.1.2 and R402.2.

**R407.2 Requirements.** One or more efficiency measures shall be selected for roof and above-grade wall systems from Table R407.1 that cumulatively equal or exceed 0 (zero) points. As an alternative, above-grade walls and roofs are permitted to comply separately by scoring 0 (zero) or greater.

**TABLE R407.1  
POINTS OPTION**

		<b>Standard Home Points</b>	<b>Tropical Home Points</b>
<b>Wood Framed</b>			
Roof Insulation (Must choose 1)	R-19 Roof Insulation	-1	0
	R-19 Roof Insulation + Cool roof membrane <sup>1</sup> or Radiant Barrier <sup>3</sup>	0	1
	R-19 Roof Insulation + Attic Venting <sup>2</sup>	0	1
	R-30 Roof Insulation	0	1
Wall Insulation (Must choose 1)	R-13 Cavity Wall Insulation	0	1
	R-13 Wall Insulation + high reflectance walls <sup>4</sup>	1	2
	R-13 Wall Insulation + 90% high efficacy lighting and Energy Star Appliances <sup>5</sup>	1	2
	R-13 Wall Insulation + exterior shading wpf=0.3 <sup>6</sup>	1	2
Mechanical / Electrical Systems (Choose ONLY if applies to scope of work)	Ductless Air Conditioner <sup>7</sup>	1	1
	1.071 X Federal Minimum SEER for Air Conditioner	1	1
	1.142 X Federal Minimum SEER for Air Conditioner	2	2
	No air conditioning installed	Not Applicable	2
Must choose if applies to new construction and/or additions (House floor area to be considered as existing dwelling size plus new square footage)	House floor area ≤ 1,000 SF	1	1
	House floor area ≥ 2,500 SF	-1	-1
	Energy Star Fans <sup>8</sup>	1	1
	Install 1 kW or greater of solar electric	1	1
	Reduce fenestration from 14% to 10%	Not Applicable	-1
<b>Metal Framed</b>			
Wall Insulation (Must choose 1)	R-13 + R 3 Wall Insulation	0	1
	R-13 cavity Wall Insulation + R-0	-1	0
	R-13 Wall Insulation + high reflectance walls <sup>4</sup>	0	1
	R-13 Wall Insulation + 90% high efficacy lighting and Energy Star Appliances <sup>5</sup>	1	2
	R-13 Wall Insulation + exterior shading wpf=0.3 <sup>6</sup>	0	1

Roof Insulation (Must choose 1)	R-30 Roof Insulation	0	1
	R-19 Roof Insulation	-1	0
	R-19 + Cool roof membrane <sup>1</sup> or Radiant Barrier <sup>3</sup>	0	1
	R-19 Roof Insulation + Attic Venting <sup>2</sup>	0	1
Mechanical / Electrical Systems (Choose ONLY if applies to scope of work)	Ductless Air Conditioner <sup>7</sup>	1	1
	1.071 X Federal Minimum SEER for Air Conditioner	1	1
	1.142 X Federal Minimum SEER for Air Conditioner	2	2
	No air conditioning installed	Not Applicable	2
Must choose if applies to new construction and/or additions (house floor area to be considered as existing dwelling size plus new square footage)	House floor area ≤ 1,000 SF	1	1
	House floor area ≥ 2,500 SF	-1	-1
	Energy Star Fans <sup>7</sup>	1	1
	Install 1 kW or greater of solar electric	1	1
	Reduce fenestration from 14% to 10%	Not Applicable	-1

SF = Square Feet

1. Cool roof with three-year aged solar reflectance of 0.55 and 3-year aged thermal emittance of 0.75 or 3-year aged solar reflectance index of 64.
2. One cfm/ft<sup>2</sup> attic venting.
3. Radiant barrier shall have an emissivity of no greater than 0.05 as tested in accordance with ASTM E-408. The radiant barrier shall be installed in accordance with the manufacturer’s installation instructions.
4. Walls with covering with a reflectance of ≥ 0.64.
5. Energy Star rated appliances include refrigerators, dishwashers, and clothes washers and must be installed for the final inspection.
6. The wall projection factor is equal to the horizontal distance from the surface of the wall to the farthest most point of the overhang divided by the vertical distance from the first floor level to the bottom most point of the overhang.
7. All air conditioning systems in the house must be ductless to qualify for this credit.
8. Install ceiling fans in all bedrooms and the largest habitable space that is not used as a bedroom.”

(43) Subsection R501.4 of the International Energy Conservation Code is amended to read as follows:

**“R501.4 Compliance.** *Alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions and regulations for alterations, repairs, additions and changes of occupancy or relocation, as adopted by the code official.*”

- (44) Subsection R502.1. of the International Energy Conservation Code is amended to read as follows:

**“R502.1 General.** Additions to an existing building, building system or portion thereof shall conform to the provisions of this code as those provisions relate to new construction without requiring the unaltered portion of the existing building or building system to comply with this code. Additions shall not create an unsafe or hazardous condition or overload existing building systems. An addition shall be deemed to comply with this code where the addition alone complies, where the existing building and addition comply with this code as a single building, or where the building with the addition uses no more energy than the existing building. Additions shall be in accordance with Section R502.1.1 or R502.1.2.

**Exceptions:**

1. When addition includes unconditioned space that does not contain habitable space.
2. When both the existing building and addition are entirely comprised of habitable unconditioned space if total square footage does not increase more than 1,100 square feet.”

- (45) Subsection R503.1.1 of the International Energy Conservation Code is amended to read as follows:

**“R.503.1.1 Building envelope.** Building envelope assemblies that are part of the alteration shall comply with Section R402.1.2 or R402.1.4, Sections R402.2.1 through R402.2.13, R402.3.1, R402.3.2, R402.4.3 and R402.4.4.

**Exception:** The following alterations need not comply with the requirements for new construction provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.
3. Construction where the existing roof, wall or floor cavity is not exposed.
4. Roof recover.
5. Roof replacement of uninsulated roofs which include at least one of the following:
  - a. Energy Star compliant roof covering;
  - b. Radiant barrier; or
  - c. Attic ventilation via solar attic fans or ridge ventilation or gable ventilation.

6. Surface-applied window film installed on existing single pane fenestration assemblies to reduce solar heat gain provided the code does not require the glazing or fenestration assembly to be replaced.”
- (46) Subsection R503.2 of the International Energy Conservation Code is amended to read as follows:

**“R503.2 Change in space conditioning.**

Any nonconditioned or low-energy space that is altered to become *conditioned space* shall be required to be brought into full compliance with this code.

**Exceptions:**

1. Where the simulated performance option in Section R405 is used to comply with this section, the annual energy cost of the proposed design is permitted to be 110 percent of the annual energy cost otherwise allowed by Section R405.3.
2. When specified in the tropical zone, and the total conditioned space does not exceed 50% of the habitable floor area, and, R-19 is installed over the conditioned space, and Split ductless air conditioner systems with a SEER rating in the top 25% of readily available units are installed.”

(2020, ord 20-10, sec 2.)

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**CHAPTER 12****IMPROVEMENTS BY ASSESSMENTS****Article 1. General Provisions.****Section 12-1. Definitions.**

As used in this chapter:

“Affected assessment unit” means an assessment unit determined, pursuant to sections 12-2(b), 12-18 and 12-29(a), to be an affected assessment unit with respect to a reasonably anticipated future change in classification or use that will result in increased special benefits conferred on such assessment unit.

“Assessment unit” means, with respect to a special assessment, a subdivided parcel of land and/or condominium unit that will be subject to such special assessment; provided, however, that every assessment unit shall have a unique tax map key number.

“Condominium unit” means an “apartment” as defined in section 514A-3, Hawai‘i Revised Statutes, and may include, if so determined by the council, the common elements and/or limited common elements appurtenant thereto, as set forth in the declaration of condominium property regime or horizontal property regime which created such apartment.

“Cooperating department” means a department of the County, other than the responsible department, that undertakes or supervises the construction and installation of a portion of the special improvements for an improvement district.

“Cost” means the cost, either estimated or actual, as the case may be, of the improvements to be opened, constructed or improved in proceedings taken pursuant to this chapter for which assessments are to be levied. There may be included within the definition of “cost,” amounts for construction contingencies, bond discounts, reserve funds, capitalized interest, and incidentals.

“Improvement district” means any contiguous or noncontiguous area within the County which has been designated by the council as an improvement district for the purposes of this chapter.

“Incidentals” means expenses in carrying out proceedings pursuant to this chapter for:

- (1) Preparation of maps, notices, and other documents;
- (2) Posting, mailing and publication costs;
- (3) Preparation and printing of bonds, bond registers and transfer books;
- (4) Fees of financial, legal, engineering and surveying consultants; and
- (5) Such other administrative or miscellaneous expenses which relate directly to the proceedings.

“Owner” of an assessment unit means the person to whom the real property tax for such assessment is assessed, as shown on the real property tax assessment roll, regardless of whether such person is exempt from the payment of such tax.

“Premium” means:

- (1) An amount payable by a property owner at the time the owner makes an advance payment of unpaid installments of the assessment in accordance with the provisions of section 12-35 (Advance payment of assessment installment) which amount is in addition to the unpaid principal amount the owner’s assessment and the interest thereon to the next date for the payment of installments;
- (2) An amount payable to the holder of a bond issued pursuant to this chapter which is called by the director of finance for payment before maturity in accordance with the provisions of section 12-54 (Payment of bonds), and which is in addition to the face amount of such bond and the interest thereon payable to such bondholder; or
- (3) An amount paid by the purchaser of the bonds in excess of the par value of the bonds.

“Responsible department” means: (1) in the case of a water system improvement district, the department of water supply of the County; (2) in the case of a sewer system improvement district, the department of environmental management of the County; and (3) in all other cases, the department of public works of the County or, if applicable, such other department of the County as shall have primary responsibility for undertaking or supervising the construction and installation of the special improvements for the improvement district in question.

“Responsible director or manager” means the director or manager of the responsible department.

“Special improvement,” “improvement,” “the making of a special improvement,” “make any special improvement” and equivalent expressions include any one or any combination of the following:

- (1) The establishment, opening, extension, widening, or altering of any street, alley, or other highway or sidewalk;
- (2) The grading, paving, curbing, or otherwise improving of the whole or any part of any existing public street, alley, or other highway or sidewalk;
- (3) The construction of a storm drainage facility;
- (4) The construction of a street lighting system;
- (5) The construction of a water system;
- (6) The construction and installation of underground or overhead utility facilities including gas, electrical, telephone or television facilities, and the removal, relocation, replacement or reconstruction thereof;
- (7) The establishment, extension, or construction of public off-street parking facilities, pedestrian malls, parks, playgrounds, beach areas, or other public recreational areas and facilities;
- (8) Improvements related to the foregoing, and to otherwise improve any of the foregoing to an extent exceeding maintenance or repair thereof;
- (9) Any other public improvement, which will specially benefit the assessment units to be assessed.

“Sewer system improvement district” means an improvement district in which the improvements to be made are exclusively those to construct a sewer system or upgrade an existing sewer system, including the restoration of roadways or other facilities incidental to such construction or upgrading.

“Storm drainage facility” includes “sanitary sewerage system.”

“Water system improvement district” means an improvement district in which the improvements to be made are exclusively those to construct a water system or upgrade an existing water system, including the restoration of roadways or other facilities incidental to such construction or upgrading.

(1983 CC, c 12, art 1, sec 12-1; am 1990, ord 90-127, sec 1; am 1995, ord 95-22, sec 2; am 2002, ord 02-82, sec 2; am 2011, ord 11-66, sec 2; am 2020, ord 20-7, sec 2.)

**Section 12-2. Method; authority to issue bond.**

- (a) Whenever in the opinion of the council it is desirable to make any special improvement in any improvement district, the special improvement shall be made and done under the provisions of this chapter. The cost of the special improvement including the cost of acquiring (whether prior to or after the commencement of the proceedings for such improvements) any new land therefor, shall be assessed against the assessment unit specially benefited on the basis of any method or methods which the council finds assesses the assessment unit according to the special benefits conferred thereon, which may include, without limitation, any of the following:
- (1) Frontage;
  - (2) The area of the assessment unit;
  - (3) The permissible number of dwelling units permitted on each parcel under applicable zoning provisions;
  - (4) The amount of water allotted to each assessment unit;
  - (5) Minimum required sewer capacity of the assessment unit;
  - (6) Traffic generation/usage for road improvements;
  - (7) The square footage of buildings and/or other improvements; or
  - (8) Any other method that the council finds assesses said assessment units according to the special benefits conferred on said assessment units or any combination thereof.
- (b) Any provision or section to the contrary notwithstanding, in determining the applicable method of assessment for any improvement district under subsection (a) above, the council may, in its discretion, give consideration to the following, if applicable:
- (1) In the case of assessment units or classes of assessment units having different uses which affect the nature or extent of the special benefits to be conferred thereon by the proposed special improvements, the method of determining the assessments against such assessment units or classes of assessment units may vary based on their respective uses to the extent that the council deems appropriate in order to reflect the special benefits conferred thereon.

- (2) In addition, if a change in classification or use is reasonably anticipated with respect to specified assessment units that will result in increased special benefits conferred thereon, the council may designate such assessment units as affected assessment units with respect to the anticipated change in classification or use, in which case the assessments against such affected assessment units shall be subject to change upon the effectiveness of the anticipated change in classification or use to reflect the increased special benefits; provided that the change in assessments on the affected assessment units is authorized in the resolution creating the improvement district pursuant to section 12-18 and the ordinance fixing the assessments for the improvement district pursuant to section 12-29.
- (c) The County may issue and sell bonds to provide the funds for such improvements, which bonds shall be secured by such assessments as a lien upon the assessment units assessed. For such purpose, the council may create, define and establish improvement districts, all according to the provisions of this chapter.
- (1983 CC, c 12, art 1, sec 12-2; am 1990, ord 90-127, sec 1; am 2002, ord 02-82, sec 3; am 2020, ord 20-7, sec 3.)

**Section 12-3. Repealed.**

(1983 CC, c 12, art 1, sec 12-3; rep 1990, ord 90-127, sec 2.)

## IMPROVEMENTS BY ASSESSMENTS

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**Section 12-4. Improvements outside designated districts.**

- (a) Improvements which may be outside the improvement district boundaries but which confer special benefits on assessment units within the improvement district may be included as part of the special improvements in the improvement district and the cost thereof shall be assessed as provided in this chapter.
- (b) The cost of improvements described in section 12-4(a) which benefit more than one improvement district shall be apportioned among the affected improvement districts according to the special benefits conferred upon the assessment units within said improvement districts.

(1983 CC, c 12, art 1, sec 12-4; am 1990, ord 90-127, sec 3; am 2002, ord 02-82, sec 4.)

**Section 12-5. Lands exempt from taxation; costs.**

- (a) Whenever any public land, or any land by law exempted from assessments of the character provided for in this chapter, forms part of any improvement district or fronts upon or is situated with relation to any special improvement or area to be so improved in such manner that such land would, if privately owned or not exempt from such assessment, be subject to assessment, the council shall, nevertheless, without assessing such public or exempted land for any part of the cost of such improvements, by general ordinance appropriate and pay toward such improvements out of general revenues the portion of the cost thereof which would otherwise be assessable against the same in lump sum, or, at the election of the council, in such equal installments with such interest thereon as the council shall determine. In the event, however, any part of such exempt land, except public lands, may be required for right-of-way or easement purposes within such improvement districts the value thereof shall be chargeable to the improvement district, and upon acquisition the owner shall be compensated therefor in the following manner:
  - (1) Where the value of the part taken together with any severance damages exceeds the portion of the cost of the improvements which would otherwise be assessable against the exempt land, the County shall pay the difference to the owner; or
  - (2) Where the value is less than the portion of the cost of improvements which would otherwise be assessable against such exempt lands, the value of the land shall be deducted therefrom and the County shall pay the balance of the assessment as provided herein.
- (b) With respect to any such proposed improvement where any part of the cost is to be borne by the County, the council shall have the same right of approval or protest as though the County were the private owner of the public or exempted land so involved. As to such expenditure for public and exempt lands, the County shall be entitled to be reimbursed out of State revenues by appropriations to be made from time to time by the legislature to the extent of fifty percent of all assessments regularly apportioned against persons, corporations or entities, which are part of any improvement district or frontage improvement and are exempted by law from

- (2) The council by resolution finds the appraised value of such assessment units in accordance with prevailing standards of appraisal and used by banks for loans thereon is twice the estimated cost of the proposed improvement and that such approval is in the public interest.
- (l) This section shall apply only to subdivisions created prior to March 1, 1967. (1983 CC, c 12, art 2, sec 12-15; am 1995, ord 95-22, sec 5; am 2002, ord 02-82, sec 9; am 2011, ord 11-66, sec 5.)

**Section 12-16. Petition by owners of one hundred percent of frontage or area.**

- (a) If a petition is filed and is acknowledged by the owners of one hundred percent of the frontage upon any street, alley, or highway or of the area of land designated by them as a proposed improvement district, then the council may reject or accept the petition. If the petition is accepted, the council shall by resolution requiring not more than one reading for its adoption, direct the responsible director or manager to prepare and submit to council a report meeting the requirements of section 12-10(a) and (b) in the same manner as though the plan for the proposed improvement or improvements had been initiated by the council on its own motion. Upon submission of the report of the responsible director or manager, including the plans and estimates of each cooperating department, if applicable, the council may, by resolution requiring not more than one reading for its adoption, approve and adopt such report, including applicable surveys, plans, maps and other data reported by the responsible director or manager and each cooperating department, and create, define and establish the improvement district in accordance with sections 12-18, 12-19, 12-20 and 12-21. In any such case, any other provision or section to the contrary notwithstanding, it shall be unnecessary to give the notice of or to hold the hearing specified by section 12-10, the provisions of section 12-12 shall be not apply, and it shall be unnecessary to give the notice or to hold the hearing specified by section 12-27 and the council may immediately proceed to fix the assessments in the manner provided by section 12-29 without further hearings or actions of council pursuant to this chapter.
- (b) No such improvement shall be approved by the council unless:
  - (1) The assessed valuation for taxation purposes of the assessment units to be improved is twice the estimated cost of the proposed improvement; or
  - (2) The council by resolution finds the appraised value of such assessment units in accordance with prevailing standards of appraisal then used by banks for loans thereon is twice the estimated cost of the proposed improvement; and
  - (3) The council finds that such improvement is in the public interest.(1983 CC, c 12, art 2, sec 12-16; am 2002, ord 02-82, sec 10; am 2020, ord 20-7, sec 4.)

**Section 12-17. Determination by council.**

After the hearing provided in section 12-10, the council shall consider any protests, objections or suggestions which may have been made or filed and whether sufficient valid protests have been filed to compel it to abandon any part or all of the proposed improvement. If the council still has jurisdiction to continue it shall then proceed, determining whether or not the proposed improvement shall be made as proposed, or made with modifications or with changes in the total estimated costs or costs per assessment unit of the improvements set forth in the resolution adopted pursuant to section 12-10(c). In the latter event, modifications or changes may be made without again giving notice of a hearing as provided in section 12-10; provided that such modifications or changes shall not materially alter the general character or plan so advertised or increase the total estimated costs or costs per assessment unit of the improvements by more than ten percent or as otherwise set forth in the resolution pursuant to section 12-10(c). No modification of or change in the plans and estimates furnished by the responsible department or cooperating department shall be made without the consent of such department.

(1983 CC, c 12, art 2, sec 12-17; am 2013, ord 13-125, sec 2.)

**Section 12-18. Resolution to define extent of improvement.**

If, after initial or further advertisement and hearing when no changes are made which will require further advertisement or hearing, the council determines to proceed with the improvements, it shall, by resolution requiring not more than one reading for its adoption:

- (1) Create, define, and establish the extent of the frontage improvement or the improvement district to be assessed;
- (2) Define the kind, extent, and general details of the proposed improvements;
- (3) Describe each parcel of land to be acquired, if any;
- (4) Declare the part or proportion of the cost of the improvement which is to be borne by the County;
- (5) Describe the assessment units and method of assessment, including, if applicable, any affected assessment units with respect to a reasonably anticipated future change in classification or use and the related changes in assessments to be effective upon such change in classification or use;
- (6) Describe the kinds of materials to be used;
- (7) Direct the responsible director or manager as provided in section 12-19;
- (8) If the proposed improvement includes construction or improvements of a water system, make requests as provided in section 12-20; and
- (9) If the improvement district includes any affected assessment units, as identified pursuant to paragraph (5) above, approve the change in assessments upon the change in classification or use of such assessment units, provided that (A) the changed assessments are consistent with the assessments against other comparable assessment units within the improvement district, and (B) the changed assessments have the effect of reducing the assessments against assessment units other than the affected assessment units.

(1983 CC, c 12, art 2, sec 12-18; am 1995, ord 95-22, sec 6; am 2001, ord 01-108, sec 1; am 2002, ord 02-82, sec 11; am 2011, ord 11-66, sec 6; am 2020, ord 20-7, sec 5.)

**Section 12-19. Responsible director or manager to prepare map showing improvements, details, plans and specifications.**

The council shall, by resolution required by section 12-18 direct the responsible director or manager to prepare a corrected map of the highways to be improved, showing the abutting lands or, of the improvement district showing the highways therein to be improved, or the special improvements to be constructed or improved, and showing the exact location of the improvements, together with final details, plans and specifications for the work, all in such form as will readily permit and encourage genuine competition between contractors in so far as the materials specified will permit of such competition. These maps, final details, plans, and specifications, as approved in accordance with the applicable policies and procedures of the responsible department or as otherwise approved by resolution adopted by the council, shall be used as the basis for the calling of bids and awarding of a contract for the work as provided in this chapter.

(1983 CC, c 12, art 2, sec 12-19; am 1995, ord 95-22, sec 7; am 2001, ord 01-108, sec 1; am 2011, ord 11-66, sec 7; am 2013, ord 13-125, sec 3.)

HAWAII COUNTY CODE

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**Section 12-20. Plans and specifications from cooperating department.**

- (a) If the proposed improvement district includes the construction and installation of improvements to be undertaken or supervised by a cooperating department, the council shall by resolution required by section 12-18 request the cooperating department to furnish final detail plans and specifications for such improvements. The resolution shall also direct the responsible director or manager to furnish the cooperating department with such copies of the final surveys, maps and plans covering the proposed improvements, other than those of the cooperating department, as may be necessary to enable the cooperating department to prepare the final plans and specifications for its improvements.
- (b) The cooperating department shall furnish such final plans and specifications when requested, provided that the cooperating department may refuse to furnish such plans and specifications where funds for the amount the County is obliged to pay towards the contract price have not been included in the budget of the County for such year. The final plans and specifications so furnished by the cooperating department, as approved in accordance with the applicable policies and procedures of the coordinating department or as otherwise approved by resolution adopted by the council, shall be used as the basis for the calling of bids and awarding of a contract for such work.

(1983 CC, c 12, art 2, sec 12-20; am 2001, ord 01-108, sec 1; am 2011, ord 11-66, sec 8; am 2013, ord 13-125, sec 4.)

**Section 12-21. Land acquisition; procedure; cost; condemnation award.**

In case the improvements so determined under section 12-18 require the acquisition of any new land therefor, the council shall acquire the land before final award of the contract, either by deed, or other voluntary conveyance from the owners thereof, or it may, at its option, and in the name of the County cause condemnation proceedings to be brought to acquire the land. After the filing of the petition in such proceedings the final award of the contract may be made. If the cost of acquiring such land exceeds the estimate therefor, the council may provide for the excess cost by general appropriation. In the event that land has been acquired by condemnation under the provisions of chapter 101, Hawai'i Revised Statutes and in the award made on the condemnation there has been deducted from the compensation or damages otherwise payable to the landowner, any amount by reason of the fact that land of such landowner not sought to be condemned would be benefited by the construction of improvements proposed to be made after the condemnation, it shall be unlawful to make any assessments against such land under this chapter without having first credited against the amount for which land would otherwise have been assessed the amount that has been deducted in the award made on condemnation for benefits by reason of the construction of improvements proposed to be made after condemnation.

(1983 CC, c 12, art 2, sec 12-21.)

**Section 12-22. Construction of water system; inspections; costs borne by County.**

- (a) If any proposed special improvement includes the construction or improvement of a water system, the department of water supply shall maintain an inspector over the work to see that the plans and specifications which it has furnished have been complied with. After the work has been completed and accepted, the water system, pipes, conduits, hydrants, and other appurtenances for supplying or distributing water so installed shall constitute a part of the system of the department of water supply and shall at all times thereafter be used, operated and maintained by it as a part of its system.
- (b) If any proposed special improvement includes the construction or improvement of a water system, the department of water supply may assume and pay out of its funds available for such purpose, the cost of engineering, incidentals and inspection, not to exceed thirty-three and one-third percent of the total cost of the construction or improvement of such water system.

(1983 CC, c 12, art 2, sec 12-22.)

**Section 12-23. Repealed.**

(1983 CC, c 12, art 2, sec 12-23; rep 2002, ord 02-82, sec 12.)

**Section 12-24. Bidding; award of contract.**

- (a) The bid process for the construction of special improvements shall be administered by the responsible department in accordance with procedures and requirements applicable to County of Hawai'i projects and the state Procurement Code.
- (b) The bid specifications shall contain provisions that specify that the award of the contract will not occur until the improvement district is created and the necessary funds for construction are appropriated.
- (c) The responsible department may award the work as an entire contract or, in its discretion, make one or more contracts separately for the different kinds of work to be performed.
- (d) Notwithstanding the foregoing, if one hundred percent of the assessment units are owned by a single owner, or by two or more owners who have duly designated one owner to act on their behalf as the owners' duly authorized representative, the responsible department may authorize the owner or owner's representative to administer the bid process, award the work and administer the contract or contracts for such work, subject to:
  - (1) The responsible department's oversight;
  - (2) Compliance with all applicable procedures and requirements of the County of Hawai'i; and
  - (3) If progress payments for the work are to be made pursuant to section 12-53(f), receipt by the County, prior to execution and delivery of the contract(s) for the work, of satisfactory assurances and agreements from the owner or owners' representative and the contractor that the contractor(s) and contract(s) are in the best interest of the County, that the contractor(s) is(are) competent and

capable of performing the work, that the work will be performed in compliance with plans and specifications approved by all applicable governmental agencies, including the responsible department and/or the cooperating department, and that adequate performance and payment bonds have been issued to assure that the work will be completed in accordance with the approved plans and specifications and duly paid for.

(1983 CC, c 12, art 2, sec 12-24; am 1990, ord 90-127, sec 7; am 1995, ord 95-22, sec 8; am 2002, ord 02-82, sec 12; am 2011, ord 11-66, sec 9; am 2020, ord 20-7, sec 6.)

**Section 12-25. Repealed.**

(1983 CC, c 12, art 2, sec 12-25; rep 2002, ord 02-82, sec 12.)

**Section 12-26. Contract for off-site water facilities.**

- (a) Notwithstanding any other provisions in this chapter to the contrary, in the event that a portion of the improvements proposed to be made consist of water facilities outside of the boundaries of a proposed improvement district which in whole or in part will serve the improvement district, and if there exists with respect to such facilities an arrangement or agreement pursuant to which:
- (1) The responsibility for the costs of such facilities in excess of a specified sum has been fixed;
  - (2) The plans and specifications for such facilities will be approved by the department of water supply; and
  - (3) The plans and specifications will not be prepared nor the contract for construction of such facilities be ready to be advertised and awarded until a time or times beyond the time or times when the proceedings pursuant to this chapter for construction of the proposed improvements by assessment could otherwise be commenced and prosecuted; then the council may determine to proceed pursuant to this section.
- (b) The determination to proceed shall be made in the resolution proposing to make the improvements, and the following provisions shall then be applicable to the proceedings:
- (1) For the purpose of the report provided for in section 12-10 the preliminary plans for such off-site water facilities need only be general in nature and the estimates therefor shall be the sums specified by the aforementioned arrangement or agreement.
  - (2) Section 12-20 shall not be applicable, and for the purpose of the report provided for in sections 12-18 and 12-19 the preliminary plans used for the report provided for in sections 12-10(a) and (b) (general in nature only as provided in subsection (b)(1) above) shall be sufficient, if adopted by the council in its resolution proposing to make the improvements.

## HAWAII COUNTY CODE

- (3) For the purpose of section 12-27, the portion of the total amount of the cost of the improvements attributable to such off-site water facilities shall be based upon said sum or sums specified by the aforementioned arrangement or agreement, rather than upon a bid of a lowest responsible and reliable bidder for such off-site water facilities.
  - (4) If section 12-28(a)(4) is applicable to the proceedings, the council need not request a call for bids on such off-site water facilities.
  - (5) At such time as the final details, plans and specifications for such off-site water facilities are prepared, approved by the department of water supply and by resolution approved and adopted by the council, the contract for construction thereof shall be advertised and awarded by the department of water supply pursuant to the provisions of sections 12-23,\* 12-24 and 12-25.\* All remaining funds after payment of the costs of such facilities shall be transferred to and become a part of the reserve fund.
- (1983 CC, c 12, art 2, sec 12-26; am 2002, ord 02-82, sec 12.)

\* **Editor's Note:** Sections 12-23 and 12-25, Hawaii County Code, were repealed by Ordinance 02-82.

**Section 12-27. Corrected map; preliminary assessment roll and description; notice of authorized improvement.**

- (a) The council shall have the responsible director or manager prepare a corrected map, a preliminary assessment roll, description of assessment units to be assessed, a list of all known owners of the assessment units within the improvement district, and the responsible director's or manager's estimate of cost or the bid of the lowest responsible and reliable bidder (if such bid is made).
- (b) The preliminary assessment roll and description of assessment units to be assessed shall contain for the assessment units in the proposed improvement district or in the several subdistricts or zones, if any, the following:
  - (1) Where assessments are based on frontage, the maximum proposed amount per foot of frontage;
  - (2) Where assessments are based on area, the maximum proposed amount per square foot;
  - (3) Where assessments are based on methods other than frontage or area, the method of assessment and the amount of which each unit of assessment shall be assessed;
  - (4) The maximum proposed amount of assessment for each assessment unit; and
  - (5) A list of all known owners of the assessment units within the proposed improvement district.

- (c) Upon receipt of the corrected map, preliminary assessment roll, and description of assessment units, the council shall give notice of the following:
  - (1) The total cost of improvements as established by the estimate of the responsible director or manager or by the bid of the lowest responsible and reliable bidder, or as otherwise provided in this chapter;
  - (2) The contents of the preliminary assessment roll;
  - (3) The availability of the corrected map, preliminary assessment roll and description of assessment units for inspection at the office of the responsible director or manager during business hours at any time prior to and including the hearing date; and
  - (4) The time, date, and place of the public hearing to be held concerning said items; provided that the date shall not be less than ten days nor more than three weeks after the date of the first newspaper publication of the notice.
- (d) The notice of improvement and hearing shall be advertised, mailed, and posted in the same manner as provided in section 12-10.
- (e) At the public hearing, the council shall act as a board of equalization to receive complaints or objections concerning the amounts of the proposed assessments. (1983 CC, c 12, art 2, sec 12-27; am 1990, ord 90-127, sec 8; am 1995, ord 95-22, sec 9; am 2001, ord 01-108, sec 1; am 2002, ord 02-82, sec 13; am 2011, ord 11-66, sec 10.)

**Section 12-28. Combination hearings; applicable proceedings.**

- (a) The council may combine the hearings provided for in sections 12-10 and 12-27. If it does so, such determination shall be made in the resolution proposing to make the improvement or improvements, and the following provisions shall then be applicable to the proceedings:
  - (1) The resolution need not specify the maximum estimated amount to be assessed on the unit of assessment nor fix the date of public hearing upon the proposed improvement, but shall direct the preparation by the responsible director or manager of the documents and data to be prepared by such person

**Article 3. Assessments.****Section 12-29. Assessments fixed by ordinance; owner application to pay reduced assessment.**

- (a) After the hearing, if applicable, the council shall forthwith proceed to make such modifications or changes as to them may seem equitable or just, or shall confirm the first proposed assessment. Upon reaching a final decision the council shall by ordinance, fix the portions of the cost to be assessed against the benefited assessment units and against the owners thereof respectively. The ordinance shall incorporate by reference the assessment roll as approved by the council. After the final enactment of such ordinance the amounts of the several assessments so listed, advertised and incorporated and not previously objected to shall be conclusively presumed to be just and equitable and not in excess of the special benefits accruing or to accrue by reason of the improvement to the specific assessment unit assessed. Any provision hereof to the contrary notwithstanding, if the improvement district includes any affected assessment units as to which a change in assessments is authorized by the resolution creating the improvement district pursuant to section 12-18, the ordinance shall incorporate the provisions of such resolution for the change in assessments, and shall authorize the director of finance to determine the final amounts of the changed assessments on the affected assessment units based on the actual classification or use thereof, and to revise the assessments on other assessment units downward to reflect the changed assessments on affected assessment units, all without further action or approval by the council, unless the number of affected assessment units is changed by more than ten percent or the aggregate amount of assessments on the affected assessment units is changed by more than ten percent, as compared to the number of affected assessment units or the aggregate assessments thereon contemplated by the resolution creating the improvement district, in which event the change in assessments shall require the approval of council by further resolution requiring not more than one reading for its adoption.
- (b) After commencement of improvement district proceedings and prior to the adoption of the improvement district ordinance described in section 12-29(a), an owner may apply for a reduction in the proposed assessment against an assessment unit as follows: (1) file a written application with the County clerk for a reduced assessment not later than one week prior to the time that the ordinance is placed on the council agenda for first reading; (2) deposit the full amount of the proposed reduced assessment, said deposit being an irrevocable commitment by the owner to the payment of the reduced assessment. The amount of reduction shall be as provided by the council, but shall not exceed the applicant's proportionate share of the sum of the improvement district bond reserve fund and the improvement district bond discount allowance and other incidental expenses directly related to the issuance of improvement district bonds. For purposes of the deposit requirements of this section, the owner may direct that refunds due under section 12-7(a) be applied as a deposit hereunder. Such refund amounts shall thereafter be

treated as a deposit under this section, except that no cash refund shall be made for or on account of such refund amounts, whether or not they are treated as deposits in this section.

- (1) The director of finance shall submit a report with recommendations to the council with respect to any such applications. The council shall consider such applications and, to the extent that such applications are acceptable to the council, include the same in the improvement district ordinance. Upon approval of the application by inclusion of the reduced assessment in the ordinance, the director of finance shall immediately deposit such funds in the construction special account for the improvement district.
- (2) If the assessment is not reduced by the council, the funds deposited shall be refunded to the owner, except that no refund shall be made for or on account of refunds due for advances made under section 12-7(a). In that event, the owner shall make payment of the assessment as provided in this chapter.

(1983 CC, c 12, art 3, sec 12-29; am 1990, ord 90-127, sec 10; am 2002, ord 02-82, sec 15; am 2020, ord 20-7, sec 7.)

## IMPROVEMENTS BY ASSESSMENTS

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**Section 12-30. Amended assessments upon consolidation or subdivision.**

- (a) For purposes of this section 12-30:
- (1) "Subdivide," "subdivision," and "subdividing" shall refer to the subdividing of an assessment unit pursuant to chapter 23, Hawai'i County Code, or the subjection of real property to a condominium property regime pursuant to chapter 514A, Hawai'i Revised Statutes.
  - (2) "Consolidate," "consolidation," and "consolidating" shall refer to the consolidation of more than one assessment unit into a single assessment unit.
- (b) In the event that an assessment unit previously assessed is subsequently subdivided, the assessments previously levied against such original assessment unit shall be divided pro rata among the resulting assessment units in accordance with the original method of assessment, subject to section 12-30(c).
- (c) In the event of an increase in the number of assessment units within an improvement district resulting from subdivision, annexation, or otherwise, if so provided in the resolution establishing the improvement district in which such assessment units are located, the department of finance, within sixty days following receipt of notification by the planning department of such approved subdivision, annexation, or other action establishing a new assessment unit or units within the improvement district, shall reallocate the outstanding assessments within the improvement district among the assessment units subject to such outstanding assessments, including the resulting new assessment units.
- (d) In the event that two or more assessment units previously assessed are subsequently consolidated, the total assessments previously levied against such original assessment units shall be levied against the resulting assessment unit.
- (1983 CC, c 12, art 3, sec 12-30; am 1995, ord 95-22, sec 11; am 2001, ord 01-108, sec 1; am 2002, ord 02-82, sec 16.)

**Section 12-31. Notice and collection of assessments.**

The director of finance shall forthwith publish notice of assessment once in at least one daily newspaper of general circulation in the County, and notify the several owners of the assessment units assessed, respectively, by registered letter or certified mail with request for a return receipt, of the several amounts assessed on the respective assessment units and of the date and place the assessments are payable. Such mailed notice shall be addressed to the owners appearing in the records of the real property tax division of the department of finance, County of Hawai'i, as the addresses appear in the records, or as otherwise known to the director of finance if not shown in the records. The director of finance shall also collect the assessments and set aside all moneys collected in a special fund or funds for the frontage improvement or improvement district, as the case may be.

(1983 CC, c 12, art 3, sec 12-31; am 2002, ord 02-82, sec 17.)

**Section 12-32. Assessment as lien; order of priority; mistakes or errors.**

- (a) All assessments made pursuant to this chapter shall be a lien against each assessment unit assessed from the date of the first publication of the ordinance

- (3) Where the interest on the bonds is payable other than annually or semiannually or will vary from time to time, upon such basis as, in the opinion of the director of finance, shall result in the lowest cost to the County; provided that in any case the right shall be reserved to reject any or all bids and waive any irregularity or informality in any bid.
- (d) Bonds offered at competitive sale, without further action of the council, shall bear interest at the rate or rates specified by the successful bidder or varying rate or rates determined from time to time in the manner specified by the successful bidder with the consent of the director of finance. The notice of sale required by this section shall be published at least once and at least five days prior to the date of the sale in a newspaper circulating in the County and in a financial newspaper or newspapers published in any of the cities of New York, Chicago, or San Francisco, and shall be in such form and contain such terms and conditions as the director of finance shall determine. The notice of sale shall comply with the requirements of this section if it merely advises prospective purchasers of the proposed sale and makes reference to a detailed notice of sale which is available to the prospective purchasers and which sets forth the specific details of the bonds and terms and conditions upon which such bonds are to be offered. The notice of sale published and any detailed notice of sale may omit the date and time of sale, in which event the date and time shall be either published in the same newspapers in which the notice of sale has been published or transmitted via electronic communication systems deemed proper by the director of finance which is generally available to the financial community, in either case at least forty-eight hours prior to the time fixed for the sale.
- (e) The proceeds of the sale of bonds shall be applied to pay the contract price. If no purchaser is found, the County may be the purchaser of any such bonds, using any funds available and unspent. Bonds sold to a purchaser other than the County may be sold for such discount as is acceptable to the council.
- (f) The council may provide for payment to the contractor, or to the owner or the owners' representative designated pursuant to section 12-24(d), of the contract price of the improvement by means of progress payments during the period of the work, such payments in bonds at par or in cash or both.

(1983 CC, c 12, art 4, sec 12-53; am 1984, ord 84-4, sec 3; am 1990, ord 90-127, sec 12; am 2020, ord 20-7, sec 8.)

**Section 12-54. Payment of bonds.**

- (a) All improvement bonds not previously paid shall be paid at maturity together with interest thereon as the same become due at the places and in the manner prescribed by this chapter.
- (b) The resolution of the council authorizing improvement bonds may provide that such bonds may be called for redemption prior to the stated maturity. In such event, on and after the second interest due date of any such improvement bonds issued pursuant to this chapter, whenever sufficient funds are in the hands of the director of finance by reason of payment of assessment installments, exceeding the next interest payment on the unpaid balance of any bonds so issued, the director of finance is authorized to call for payment prior to the stated maturity thereof such

number of improvement bonds as there are funds to pay. The resolution of the council authorizing the improvement bonds shall provide for proper and adequate notice of such redemption to be published or mailed or both prior to the date fixed for redemption. A copy of such notice shall also be mailed to the person who purchased such bonds at the original sale thereof. Interest on the bonds so called for payment shall cease on the date of call, provided that the notice shall be published or mailed at least fifteen days before the date of such call. If notice must be made by publication, a second publication shall be made not less than one week after the date of first publication. The moneys provided for the payment of such bonds with the interest unpaid to the date of their call for payment, together with any applicable premium payable, shall be set aside by the director of finance in a special deposit to which fund only the owners of the bonds shall thereafter look for payment.

- (c) Improvement bonds shall be selected for redemption in the manner prescribed by the council.
- (d) Any premium paid on redemption may not exceed five percent of the face amount of the improvement bond.

(1983 CC, c 12, art 4, sec 12-54; am 1984, ord 84-4, sec 3; am 1990, ord 90-127, sec 12.)

**Section 12-55. Repealed.**

(1983 CC, c 12, art 4, sec 12-55; am 1984, ord 84-4, sec 3; rep 1990, ord 90-127, sec 13.)

**Section 12-55.1. Exemption from taxes.**

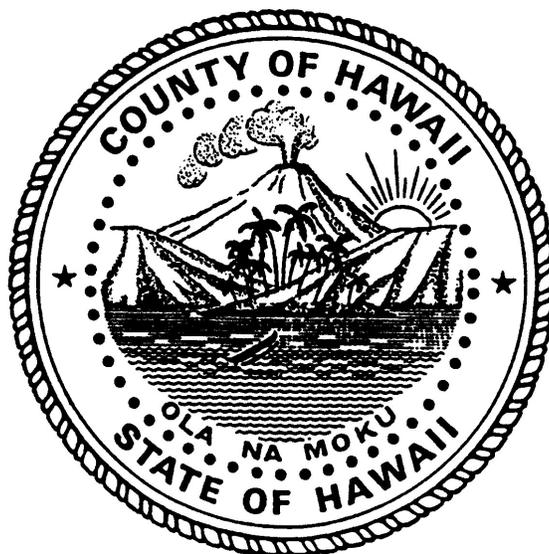
- (a) All bonds heretofore or hereafter issued under the authority of this chapter and the income therefrom shall be exempt from any and all taxation by the State or any County or other political subdivision thereof, except inheritance, transfer, and estate taxes.
- (b) Bonds issued under this chapter, to the extent practicable, shall be issued so as to comply with requirements imposed by valid Federal law providing that the interest on those bonds shall be excluded from gross income for Federal income purposes (except as certain minimum taxes or environmental taxes may apply). The director of finance is authorized to enter into arrangements, establish funds or accounts, and take any action required in order to comply with any valid Federal law. Nothing in this chapter shall be deemed to prohibit the issuance of bonds, the interest on which may be included in gross income for Federal income tax purposes.

For the purpose of ensuring that interest on bonds issued pursuant to this chapter which is excluded from gross income for Federal income tax purposes (except as provided above) on the date of issuance shall continue to be so excluded, no County officer or employee or user of an undertaking or loan program shall authorize or allow any change, amendment, or modification to an undertaking or loan program financed or refinanced with the proceeds of the bonds which change,

# THE HAWAI‘I COUNTY CODE

## 1983 (2016 Edition, as amended)

Update to include: Supplement 8 (7-2020)  
Contains ordinances effective through: 06-30-20



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  
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## Volume Two



## CHAPTER 19

### REAL PROPERTY TAXES

#### Article 1. Administration.

Section 19-1.	Purpose.
Section 19-2.	Definitions.
Section 19-3.	Duties and responsibilities of the director.
Section 19-4.	Oaths.
Section 19-5.	Hearings and subpoenas.
Section 19-6.	Timely mailing treated as timely filing and paying.
Section 19-7.	Tax collection; general duties, powers of director.
Section 19-8.	District court judges; misdemeanors and actions for tax collections.
Section 19-9.	Director; collection, records of delinquent taxes, uncollectible delinquent taxes.
Section 19-10.	Legal representative.
Section 19-11.	Abstracts of registered conveyances, copies of corporation exhibits, etc., furnished to director.
Section 19-12.	Returns, made when; form; open to public; failure to file.
Section 19-13.	Returns to be signed.
Section 19-14.	Returns by fiduciaries.
Section 19-15.	Returns of corporations and co-partnerships.
Section 19-16.	Notices, how given.
Section 19-17.	Federal or other tax officials permitted to inspect returns; reciprocal provisions.
Section 19-18.	Records open to public.
Section 19-19.	Evidence, tax records as.
Section 19-20.	Due date on Saturday, Sunday or holiday.
Section 19-21.	Changes, etc., in assessment lists.
Section 19-22.	Adjustments and refunds.
Section 19-23.	Partial payment of taxes.
Section 19-24.	Abetting, etc., misdemeanor.
Section 19-25.	Neglect of duty, etc., misdemeanor.
Section 19-26.	Penalty for misdemeanor.

#### Article 2. Notice of Assessments and Lists.

Section 19-27.	Notice of assessments; addresses of persons entitled to notice.
Section 19-28.	Assessment lists.
Section 19-29.	Informalities not to invalidate assessments, mistakes in names or notices, etc.

### **Article 3. Tax Bills, Payments and Penalties.**

Section 19-30.	Tax rolls; tax bills.
Section 19-31.	Taxes; due when; installment payments; billing and delinquent dates.
Section 19-32.	Penalty for delinquency.
Section 19-33.	Assessment of unreturned or omitted property; review; penalty.
Section 19-34.	Reassessments.

### **Article 4. Remissions.**

Section 19-35.	Remission of taxes on acquisition by government.
Section 19-36.	Remission of taxes in cases of certain disasters.

### **Article 5. Liens, Foreclosure.**

Section 19-37.	Tax liens; co-owners' rights; foreclosure; limitation.
Section 19-38.	Tax liens; foreclosure without suit.
Section 19-39.	Same; registered land.
Section 19-40.	Notice; sale of foreclosed property without suit.
Section 19-41.	Same; postponement of sale, etc.
Section 19-42.	Same; tax deed; redemption.
Section 19-43.	Same; costs.
Section 19-44.	Tax deed as evidence.
Section 19-45.	Disposition of surplus moneys.

### **Article 6. Rate; Levy.**

Section 19-46.	Tax base and rate.
Section 19-46.1	Residential tax rate tiers.
Section 19-47.	Tax year; time as of which levy and assessment made.
Section 19-48.	Assessment of property; to whom in general.
Section 19-49.	Imposition of real property taxes on reclassification.
Section 19-50.	Assessment of property of corporations or co-partnerships.
Section 19-51.	Fiduciaries, liability.
Section 19-52.	Assessment of property of unknown owners.

### **Article 7. Tax Maps; Valuations.**

Section 19-53.	Valuation; considerations in fixing.
Section 19-53.1.	Valuation of public utilities.
Section 19-54.	Repealed.
Section 19-55.	Repealed.
Section 19-56.	Golf course assessment.
Section 19-57.	Nondedicated agricultural use assessment.
Section 19-58.	Certain lands dedicated for residential use.

**Section 19-45. Disposition of surplus moneys.**

The director shall pay from the surplus all taxes, including interest and penalties, of whatsoever nature and howsoever accruing, as provided in section 19-37 and further the director may pay from the surplus the cost of a search of any records where such search is deemed advisable by the director to ascertain the person or persons entitled to the surplus; provided, nothing herein contained shall be construed to require the director to make or cause any such search to be made.

All proceeds remaining after payment of the costs and expenses of the enforcement and foreclosure of the tax lien, including a title search, and the amount of subsisting real property taxes, shall be distributed to lienholders of record in the order of their priority who have filed claims for the surplus with the director within one year from the date of sale. Any lien, claim or encumbrance against the property remaining unsatisfied after the distribution of the surplus moneys shall be extinguished and unenforceable against the property and the purchaser to whom the property is conveyed by the director. If, in order to ascertain the person or persons entitled to the surplus, the director deems it advisable to conduct a search of any records, the director may pay from the surplus the cost of such search; provided, nothing herein contained shall be construed to require the director to make or cause any search to be made. Any lienholder failing to file a claim for the surplus within one year from the date of the sale shall have no right to the surplus. The director shall pay from any surplus remaining after distribution to record lienholders who have filed claims, all taxes, including interest and penalties, of whatsoever nature and howsoever accruing due at the time of the foreclosure sale from the taxpayer against whose property such tax lien is so enforced or foreclosed. If after payment of all taxes surplus funds remain, the director shall pay the surplus to the taxpayer against whose property the tax lien was foreclosed, provided that the taxpayer has filed a claim for the surplus with the director within two years from the date of sale. Any surplus remaining after payment to all those entitled as herein set forth shall be deposited into the County general fund.

If the director is in doubt as to the person or persons entitled to the balance of the fund, the director may refuse to distribute the surplus and any claimant may sue the director in the Third Circuit Court. The director may require the claimants to interplead, in which event the director shall state the names of all claimants and shall cause them to be made parties to the action. If there are persons entitled to the fund who have not filed a claim, or if in the director's opinion there may be other persons entitled to the fund who are unknown, the director may apply for an order or orders joining these persons.

Any orders of the court or summons in the matter may be served as provided by law or the rules of court, and all persons having any interest in the moneys who are known, including the guardians of such of them as are under legal age or under any other legal disability (and if any one or more of them is under legal age or under other legal disability and without a guardian, the court shall appoint a guardian ad litem to represent them therein) shall have notice of the action by personal service upon them. All persons having any interest in the moneys whose names are unknown or who if known do not reside within the State or for any reason cannot be served with process

within the State shall have notice of the action as provided by sections 634-23 to 634-29, Hawaii Revised Statutes, except that any publication of summons shall be in at least one newspaper of general circulation published in the State and having a general circulation in the County, and the form of notice to be published shall provide a brief description of the property which was sold.

All expenses incurred by the director shall be met out of the surplus moneys realized from the sale.

(1983 CC, c 19, art 5, sec 19-45; am 1988, ord 88-74, sec 3; am 1994, ord 94-60, sec 2; am 1997, ord 97-84, sec 1.)

### **Article 6. Rate; Levy.**

#### **Section 19-46. Tax base and rate.**

Except as exempted or otherwise taxed, all real property shall be subject to a tax upon one hundred percent of its market value determined in the manner provided by ordinance, at such rate as shall be determined in the manner provided in section 19-90. No taxpayer shall be deemed aggrieved by an assessment, nor shall an assessment be lowered, except as the result of a decision on an appeal as provided by law.

(1983 CC, c 19, art 6, sec 19-46; am 1982, ord 766, sec 2; am 1997, ord 97-84, sec 1.)

#### **Section 19-46.1 Residential tax rate tiers.**

Notwithstanding any provision to the contrary, two tiers of tax rates for properties classified as residential is established. The tax rates for the two tiers shall be established by the council in accordance with section 19-90.

(2020, ord 20-39, sec 1.)

#### **Section 19-47. Tax year; time as of which levy and assessment made.**

For real property tax purposes, "tax year" shall mean the fiscal year beginning July 1 of each calendar year and ending June 30 of the following calendar year. Real property shall be assessed, and taxes shall be levied thereon, as of January 1 preceding each tax year upon the basis of valuations determined in the manner and at the time provided in this chapter.

(1983 CC, c 19, art 6, sec 19-47; am 1997, ord 97-84, sec 1.)

#### **Section 19-48. Assessment of property; to whom in general.**

Real property shall be assessed in its entirety to the owner thereof.

For the purposes of this chapter, life tenants, personal representatives, trustees, guardians, or other fiduciaries may be, and persons holding government property under an agreement for the conveyance of the same to such persons shall be considered as owners during the time any real property is held or controlled by them as such. Lessees holding under any government lease shall be considered as owners during the time any real property is held or controlled by them as such, as more fully provided in section 19-84; and further, notwithstanding any provisions to the contrary in this chapter, any tenant occupying government land, whether such occupancy be on a permit, license, month-to-month tenancy, or otherwise, shall be considered as owner where such occupancy has continued for a period of one year or more, as more fully provided in

section 19-84. Persons holding any real property under an agreement to purchase the same, shall be considered as owners during the time the real property is held or controlled by them as such; provided the agreement to purchase (1) shall have been recorded in the bureau of conveyances, and (2) shall provide that the purchasers shall pay the real property taxes levied on the property. Persons holding any real property under a lease for a term of ten years or more shall be considered as owners during the time the real property is held or controlled by them as such; provided that the lease (1) shall have been duly entered into and recorded in the bureau of conveyances or filed in the office of the assistant registrar of the land court prior to January 1 preceding the tax year for which the assessment is made, and (2) shall provide that the lessee shall pay all taxes levied on the property during the term of the lease.

(1983 CC, c 19, art 6, sec 19-48; am 1997, ord 97-84, sec 1.)

**Section 19-49. Imposition of real property taxes on reclassification.**

A portion of real property taxes shall be imposed upon and paid by the owner or owners thereof when:

- (1) The property of the owner has been leased for a term of ten years or more;
- (2) The classification of the property has been changed to a classification of a higher use during the life of the lease; and
- (3) The classification to a higher use has occurred without the lessee petitioning for such higher classification. Taxes which are imposed upon the owners of property under this section shall be paid by the owner of such property without being transferred to the lessee and such tax shall be the difference between the assessed valuation of the property after the classification change times the applicable tax rate less the assessed valuation of the property as it existed prior to the classification change times the applicable tax rate.

(1983 CC, c 19, art 6, sec 19-49; am 1997, ord 97-84, sec 1.)

**Section 19-50. Assessment of property of corporations or co-partnerships.**

Property of a corporation or co-partnership shall be assessed to it under its corporate or firm name.

(1983 CC, c 19, art 6, sec 19-50; am 1997, ord 97-84, sec 1.)

**Section 19-51. Fiduciaries, liability.**

Every personal representative, trustee, guardian, or other fiduciary shall be answerable as such for the performance of all such acts, matters, or things as are required to be done by this chapter in respect to the assessment of the real property said fiduciary represents in a fiduciary capacity, and shall be liable as such fiduciary for the payment of taxes thereon up to the amount of the available property held in such capacity, but a fiduciary shall not be personally liable. A fiduciary may retain, out of the money or other property which the fiduciary may hold or which may come to the fiduciary in a fiduciary capacity, so much as may be necessary to pay the taxes or to recoup the fiduciary for the payment thereof, or a fiduciary may recover the amount thereof paid by the fiduciary from the beneficiary to whom the property shall have been distributed.

(1983 CC, c 19, art 6, sec 19-51; am 1997, ord 97-84, sec 1.)

**Section 19-52. Assessment of property of unknown owners.**

The taxable property of persons unknown, or some of whom are unknown, shall be assessed to “unknown owners,” or to named persons and “unknown owners,” as the case may be. The taxable property of persons not having record title thereto on January 1, preceding the tax year for which the assessment is made, may be assessed to “unknown owners,” or to named persons and “unknown owners,” as the case may be. Such property may be levied upon for unpaid taxes.

(1983 CC, c 19, art 6, sec 19-52; am 1997, ord 97-84, sec 1.)

**Article 7. Tax Maps; Valuations.****Section 19-53. Valuation; considerations in fixing.**

(a) Except as provided below, the director of finance shall cause the market value of all taxable real property to be determined and annually assessed by the market data, income and cost approaches to value using appropriate systematic methods suitable for mass valuation of properties for taxation purposes, so selected and applied to obtain, as far as possible, uniform and equalized assessments throughout the County. In making such determination and assessment, the director shall separately value and assess within each class established in accordance with subsection (e) of this section:

**(1) Buildings.**

In determining the value of buildings, consideration shall be given to any additions, alterations, remodeling, modifications or other new construction, improvement or repair work undertaken upon or made to existing buildings as the same may result in higher assessable valuation of said buildings.

**(2) All other real property, exclusive of buildings.**

Exception. The value of land classified and used for agriculture as determined pursuant to section 19-57 or 19-60 shall be the value of such land for such agricultural use without regard to any value that such land might have for other purposes or uses. The director shall update the agricultural use values at least every five years and shall consult with agriculturalists and/or experts in the field when making such determination. The establishment of the agricultural use rate values shall be made in accordance with chapter 91, Hawai'i Revised Statutes.

**(3) Real property leased and located within the Waikoloa Workforce Housing project shall be valued under this chapter based on comparison with like properties within the same project.**

(b) So far as practicable, records shall be compiled and kept which shall show the methods established by or under the authority of the director, for the determination of values.

(c) Whenever land has been divided into lots or parcels as provided by law, each such lot or parcel shall be separately assessed.

- (4) If no action is taken by the council to increase or decrease the tax rates, then the tax rates as previously set shall be applicable to the subsequent tax year.
- (c) If the tax rates for the tax year are increased or decreased the council shall notify the director of finance of the increased or decreased rates, and the director shall employ such rates in the levying of property taxes as provided by this chapter.
- (d) The director of finance shall on or before May 1 preceding the tax year furnish the council with a calculation certified by the director as being as nearly accurate as may be, of the net taxable real property within the County, separately stated for each class established in accordance with section 19-53(e) of this chapter for net taxable lands and for net taxable buildings plus such additional data relating to the property tax base as may be necessary.
- (e) Notwithstanding any provision to the contrary, there shall be levied upon each individual parcel of real property taxable under this chapter, a minimum real property tax of \$200 per year, except under the following conditions:
  - (1) If the property owner receives a home exemption or totally disabled veteran exemption resulting in the minimum tax, and the assessed value of improvements is less than or equal to \$75,000, then, the minimum tax for this property shall be as follows:
    - (i) Property with improvements assessed at \$50,001 to \$75,000 the minimum tax shall be \$150.
    - (ii) Property with improvements assessed at \$25,001 to \$50,000 the minimum tax shall be \$100.
    - (iii) Property with improvements assessed up to \$25,000 the minimum tax shall be \$50.
  - (2) If the property is assessed at a market value of less than or equal to \$500, no tax shall be applied.
- (f) Residential tax rate tiers.
  - (1) Notwithstanding any provision to the contrary, the council shall establish a separate tax rate each for the residential tier one property and residential tier two property, as defined below. The tax rates shall be applied as follows:
    - (A) The tax rate established for the residential tier one property shall be applied to the net taxable real property value under \$2,000,000.
    - (B) The tax rate established for the residential tier two property shall be applied to the net taxable real property value of \$2,000,000 or more.
  - (2) For the purposes of this section, “residential tier one property” shall mean all property, or portions thereof, other than a residential tier two property, within the residential class. “Residential tier two property” shall mean a property, or portion thereof, which:
    - (A) Is improved with one or more dwelling units, has a net taxable real property value of \$2,000,000 or more, does not have a home exemption, and is classified as residential in consideration of the highest and best use of the land;

- (B) Is vacant land that has a net taxable real property value of \$2,000,000 or more, and is classified as residential in consideration of the highest and best use of the land; or
  - (C) Is a condominium property regime that has a net taxable real property value of \$2,000,000 or more, does not have a home exemption, and is classified as residential in consideration of the highest and best use of the land.
- (3) The respective tax rate to be applied to any property within the residential class shall be applied only to the portion used exclusively as residential, provided the highest and best use of the land is residential.
- (1983 CC, c 19, art 11, sec 19-90; am 1990, ord 90-138, sec 6; am 1997, ord 97-84, sec 1; am 2002, ord 02-01, sec 2; ord 02-102, sec 2; am 2009, ord 09-27, sec 2; am 2017, ord 17-41, sec 2; am 2020, ord 20-39, sec 2.)

### **Article 12. Appeals.**

#### **Section 19-91. Appeals.**

Any taxpayer, aggrieved by an assessment made by the director or by the director's refusal to allow any exemption, may appeal from the assessment or from such refusal to the board of review or the tax appeal court pursuant to section 232-16, Hawai'i Revised Statutes, on or before April 9 preceding the tax year, as provided in this chapter. Where such an appeal is based upon the ground that the assessed value of the real property for tax purposes is excessive, the valuation claimed by the taxpayer in the appeal shall be admissible in evidence, in any subsequent condemnation action involving the property, as an admission that the market value of the real property as of the date of assessment is no more than the value arrived at when the assessed value from which the taxpayer appealed is adjusted to one hundred percent market value; provided, that such evidence shall not in any way affect the right of the taxpayer to any severance damages to which the taxpayer may be entitled.

(1983 CC, c 19, art 12, sec 19-91; am 1997, ord 97-84, sec 1; am 2000, ord 00-28, sec 1.)

## REAL PROPERTY TAXES

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**Section 19-92. Appeals by persons under contractual obligations.**

Whenever any person is under a contractual obligation to pay a tax assessed against another, the person shall have the same rights of appeal to the board of review and the tax appeal court and the supreme court, in the person's own name, as if the tax were assessed against said person. The person against whom the tax is assessed shall also have a right to appeal and be heard on any such application or appeal. (1983 CC, c 19, art 12, sec 19-92; am 1997, ord 97-84, sec 1.)

**Section 19-93. Grounds of appeal, real property taxes.**

In the case of a real property tax appeal, no taxpayer shall be deemed aggrieved by an assessment, nor shall an assessment be lowered or an exemption allowed, unless there is shown (1) assessment of the property exceeds by more than twenty percent the assessment of market value used by the director, or (2) lack of uniformity or inequality, brought about by illegality of the methods used or error in the application of the methods to the property involved, or (3) denial of an exemption to which the taxpayer is entitled and for which the taxpayer has qualified, or (4) illegality, on any ground arising under the Constitution or laws of the United States or the laws of the State or the ordinances of the County in addition to the ground of illegality of the methods used, mentioned in clause (2).

(1983 CC, c 19, art 12, sec 19-93; am 1997, ord 97-84, sec 1.)

**Section 19-94. Second appeal.**

In every case in which a taxpayer appeals a real property tax assessment to the board of review or to a tax appeal court and there is pending an appeal of the assessment, the taxpayer shall not be required to file a notice of the second appeal; provided the first appeal has not been decided prior to April 9 preceding the tax year of the second appeal; and provided further the director gives notice that the tax assessment has not been changed from the assessment which is the subject of the appeal.

(1983 CC, c 19, art 12, sec 19-94; am 1997, ord 97-84, sec 1.)

**Section 19-95. Small claims.**

Any protesting taxpayer who would incur a total tax liability, not including penalties and interest, of less than \$1,000 by reason of the protested assessment on payment in question, may elect to employ the small claims procedures of the tax appeal court as set out in section 232-5, Hawaii Revised Statutes.

(1983 CC, c 19, art 12, sec 19-95; am 1997, ord 97-84, sec 1.)

**Section 19-96. Appointment, removal, compensation.**

There is created a board of review for the County which shall consist of five members who shall be citizens of the State and residents of the County, shall have resided at the time of appointment for at least three years in the State, and shall be appointed by the mayor and confirmed by the council as provided by Charter. A chairman shall be elected annually by members of the board. The vice-chairman shall

<b>(c) South Hilo (Continued)</b>
• Kūkūau Street, both approaches to Kapi'olani Street.
• Kūkūau Street, both approaches to Kino'ole Street.
• Kūkūau Street, both approaches to Komohana Street.
• Kūkūau Street, both approaches to Mohouli Street.
• Kūkūau Street, both approaches to Ululani Street.
• Entering Laimana Street from 'Alae Street.
• Entering Lanihuli Street from Lei Street.
• The unnamed roadway into the pier and lighthouse, at Lihiwai Street.
• Entering Manulele Street from Oliana Street.
• Entering Mikokoi Street from Awela Street.
• Ohuohu Street, Ho'ohua Street intersection, all approaches.
• Entering Pōhaku Street from Kūkila Street.
• Entering Ponahawai Street from Punahoa Street.
• Pua Avenue, Desha Avenue intersection, all approaches.
<b>(d) Ka'ū</b>
• Kamani Street, Pīkake Street intersection, all approaches.
<b>(e) Kohala</b>
• Hi'iaka Street, southwest approach to Hale Ali'i Street and 'Āinahua Alanui Street.
• Entering Hōkū'ula Road from Lindsey Road.
• Entering Kamoā Road from Serrao Road.
• Entering Kamuela-Kawaihae Road from Kawaihae Park Road at Kohala.
• Mānā Place, approach to Mānā Road.
• At the Puako-Kawaihae-Rockefeller junction, entering the Hāpuna Bay Access Road (Hawai'i Project No. G-3257-01-60) at South Kohala, from the Old Puakō-Kawaihae Road, moving in the Kawaihae direction, except on right turn movement when such movement may be made with care to avoid collision.
<b>(f) Kona</b>
• Entering the intersection of Ali'i Drive and Hualālai Road from both approaches of Ali'i Drive and the mauka approach of Hualālai Road.
• Ali'i Drive, eastbound approach to Māmalahoa Bypass Highway.
• Ali'i Drive, Lunapule Road intersection, all approaches.
• Ali'i Drive, Royal Poinciana Drive intersection, all approaches.
• Haleki'i Street westbound approach to Māmalahoa Bypass Highway.
• Kaiwi Street, Luhia Street intersection, all approaches.
• Konalani Street into Ala Keanawai at Kailua-Kona.

<b>(f) Kona (Continued)</b>
<ul style="list-style-type: none"> <li>• Kuakini Highway, Kaiwi Street intersection, all approaches, except the right-turn lane on Kuakini Highway northbound approach to Kaiwi Street which shall be a yield condition.</li> </ul>
<ul style="list-style-type: none"> <li>• Kuakini Highway, Makala Boulevard intersection, all approaches.</li> </ul>
<ul style="list-style-type: none"> <li>• Middle Ke‘ei Road, Painted Church Road intersection, all approaches.</li> </ul>
<ul style="list-style-type: none"> <li>• Nāpō‘opo‘o Road/Middle Ke‘ei Road intersection, all approaches.</li> </ul>
<ul style="list-style-type: none"> <li>• Entering the intersection of Palani Road and Ali‘i Drive from the northern approach of Ali‘i Drive (from the direction of Kailua Wharf).</li> </ul>
<ul style="list-style-type: none"> <li>• Entering the intersection of Palani Road and Kuakini Highway from both approaches of Kuakini Highway and the makai approach of Palani Road.</li> </ul>
<ul style="list-style-type: none"> <li>• Pualani Street/Wikolia Street intersection, all approaches.</li> </ul>
<ul style="list-style-type: none"> <li>• Rock Bottom Road, both approaches to Middle Ke‘ei Road.</li> </ul>
<b>(g) Puna (Subdivisions included at end)</b>
<ul style="list-style-type: none"> <li>• Entering Ali‘i Papa Street from Huaka‘i Street.</li> </ul>
<ul style="list-style-type: none"> <li>• Entering Anuheha Street from Ali‘i Papa Street.</li> </ul>
<ul style="list-style-type: none"> <li>• Entering Anuheha Street from Anuheha Place.</li> </ul>
<ul style="list-style-type: none"> <li>• Entering Anuheha Street from Puolani Street.</li> </ul>
<ul style="list-style-type: none"> <li>• Entering Anuheha Street from Wohi Place.</li> </ul>
<ul style="list-style-type: none"> <li>• Entering the Kahakai Boulevard-Pūnāwai Street intersection from the northeastern leg of Kahakai Boulevard and from Pūnāwai Street, the southwestern leg of the intersection.</li> </ul>
<ul style="list-style-type: none"> <li>• Kalapana to Honolulu Landing Beach Road entering Kapoho to Kapoho Lighthouse Road (ER8(8)).</li> </ul>
<ul style="list-style-type: none"> <li>• The westerly leg, Kalapana towards Pāhoa lane, of the Pāhoa-Kalapana Road at the triangular intersection between the Kapoho-Kalapana Coastal Road and Pāhoa Kalapana Road.</li> </ul>
<ul style="list-style-type: none"> <li>• Entering Ka‘ohe Homestead Road from Cemetery Road.</li> </ul>
<ul style="list-style-type: none"> <li>• Entering the Kapoho-Kalapana Coastal Road from the eastern leg of the Pāhoa Kalapana Road at the triangular intersection between the Kapoho-Kalapana Coastal Road and the Pāhoa-Kalapana Road.</li> </ul>
<ul style="list-style-type: none"> <li>• Kapoho Lighthouse Road (portion of ER8(1)), entering the Kalapana to Honolulu Landing Beach Road.</li> </ul>
<ul style="list-style-type: none"> <li>• Entering Kea‘au Loop from Ha‘a Street. When posted, drivers of vehicles shall stop at the intersection of Ha‘a Street and Kea‘au Loop.</li> </ul>
<ul style="list-style-type: none"> <li>• Entering the Kurtistown Homestead Road (Post Office Road) intersection from the 13-Mile Road (Filipino Graveyard Road) in Kurtistown, Puna, Hawai‘i.</li> </ul>
<ul style="list-style-type: none"> <li>• Nānāwale Boulevard, Kēhau Road intersection, all approaches.</li> </ul>
<ul style="list-style-type: none"> <li>• Entering ‘Ōla‘a New Tract Road from Peck Road.</li> </ul>
<ul style="list-style-type: none"> <li>• Momona Road, approach to Huina Road.</li> </ul>

<b>(g) Puna (Continued)</b>
<i>Kaniahiku Houselots:</i>
• Entering Halelo Place from Mako Way.
• Entering Halelo Place from Naele Road.
<i>Kaniahiku Subdivision:</i>
• Entering Kauilani Road from Kaulalaa Road.
• Entering Kaulalaa Road from Pū‘āla‘a Road.

(1996, ord 96-163, sec 2; am 1996, ord 96-145, sec 3; am 1999, ord 99-65, secs 9 and 10; am 2000, ord 00-38, sec 1; ord 00-49, sec 1; ord 00-71, sec 1; am 2001, ord 01-85, sec 1; ord 01-96, sec 3; am 2002, ord 02-46, sec 1; ord 02-47, secs 1 and 2; ord 02-55, sec 1; am 2006, ord 06-131, sec 1; am 2008, ord 08-44, sec 1; ord 08-61, sec 1; ord 08-62, secs 1 and 2; ord 08-122, sec 1; am 2009, ord 09-31, sec 1; ord 09-120, sec 2; ord 09-136, sec 2; am 2010, ord 10-74, sec 1; ord 10-85, sec 1; am 2011, ord 11-4, sec 1; ord 11-6, sec 1; ord 11-13, sec 1; ord 11-34, sec 1; ord 11-35, sec 1; am 2012, ord 12-116, sec 2; am 2013, ord 13-51, secs 2 and 3; am 2018, ord 18-92, sec 1; am 2020, ord 20-47, sec 1.)

### Section 24-265. Schedule 13. Yield locations.

When properly sign posted, vehicles shall yield right-of-way at the following locations:

<b>(a) Hāmākua</b>
• Ka‘āpahu Road, east approach to Kalōpā Gulch Bridge, No. 44-7, eight hundred thirty-five feet northwest of Ho‘o Kahua Road.
• Ka‘āpahu Road, east approach to Kalōpā Gulch Bridge No. 44-7, one thousand two hundred twenty-seven feet northwest of Ho‘o Kahua Road.
• Kalōpā Road, eastbound approach to bridge adjacent to parcels 4-4-3:42, 4-4-4:6, 4-4-6:1, and 4-4-8:48.
• Kalōpā Road, westbound approach to bridge adjacent to parcels 4-4-2:5, 4-4-2:6, 4-4-9:3, and 4-4-9:8.
• Kalōpā Road, westbound approach to Bridge No. 44-9.
• Kalōpā Road, westbound approach to Bridge No. 44-10.
• Old Māmalahoa Highway, eastbound approach to Bridge No. 47-3.
• Old Māmalahoa Highway, southbound approach to Bridge No. 47-1.
• Old Māmalahoa Highway, southwestbound approach adjacent to parcel 4-6-011:046.
• Old Māmalahoa Highway, westbound approach to bridge adjacent to parcels 4-7-7:4, 4-7-7:19, and 4-7-7:90.
• Old Māmalahoa Highway, westbound approach to bridge adjacent to parcels 4-7-7:8 and 4-7-7:9.
• Old Māmalahoa Highway, westbound approach to Bridge No. 47-2.

<b>(a) Hāmākua (Continued)</b>
<ul style="list-style-type: none"> <li>• Pa‘auilo Mauka Road, westbound and eastbound departures to Bridge No. 43-8.</li> </ul>
<ul style="list-style-type: none"> <li>• Pōhākea Homestead Road, makai bound at the narrow bridge (bridge number 43-5), located 1.6 miles west of State Highway 19.</li> </ul>
<b>(b) North Hilo</b>
<ul style="list-style-type: none"> <li>• Kihalani Homestead Road, mauka bound lane; the right turn from Old Māmalahoa Highway.</li> </ul>
<ul style="list-style-type: none"> <li>• Old Māmalahoa Highway, northbound approach to Bridge No. 29-2.</li> </ul>
<ul style="list-style-type: none"> <li>• Old Māmalahoa Highway, southeastbound approach to Bridge No. 29-3.</li> </ul>
<ul style="list-style-type: none"> <li>• Old Māmalahoa Highway, southbound approach to bridge adjacent to parcels 3-5-9:19, 3-5-9:20, and 3-5-30:49.</li> </ul>
<ul style="list-style-type: none"> <li>• Old Māmalahoa Highway, westbound approach to Bridge No. 35-1.</li> </ul>
<b>(c) South Hilo</b>
<ul style="list-style-type: none"> <li>• Ainaola Drive, north approach adjacent to parcels 2-4-007:049 and 2-4-007:053.</li> </ul>
<ul style="list-style-type: none"> <li>• Akolea Road, southbound approach to bridge adjacent to parcels identified by Tax Map Key Numbers (3) 2-5-006:130, 2-5-047:002, 2-5-056:041, and 2-5-056:043.</li> </ul>
<ul style="list-style-type: none"> <li>• Haihai Street, westbound, the right-turn lane to Ainaola Drive.</li> </ul>
<ul style="list-style-type: none"> <li>• Kāhoa Street, northwest approach to Bridge No. 26-5.</li> </ul>
<ul style="list-style-type: none"> <li>• Ka‘iulani Street at southbound approach to Bridge No. 23-3.</li> </ul>
<ul style="list-style-type: none"> <li>• Kīlauea Avenue, north bound, at Bridge No. 22-7, approaching Haihai Street.</li> </ul>
<ul style="list-style-type: none"> <li>• Old Māmalahoa Highway, northbound approach to Bridge 27-2.</li> </ul>
<ul style="list-style-type: none"> <li>• Old Māmalahoa Highway, northeastbound approach to Bridge 27-5.</li> </ul>
<ul style="list-style-type: none"> <li>• Old Māmalahoa Highway, northeastbound approach to Bridge 27-6.</li> </ul>
<ul style="list-style-type: none"> <li>• Old Māmalahoa Highway, northeastbound approach to Bridge 27-7.</li> </ul>
<ul style="list-style-type: none"> <li>• Old Māmalahoa Highway, northeastbound approach to Bridge 27-8.</li> </ul>
<ul style="list-style-type: none"> <li>• Old Māmalahoa Highway, southbound approach to Bridge 27-3.</li> </ul>
<ul style="list-style-type: none"> <li>• Old Māmalahoa Highway, southbound approach to Bridge 27-4.</li> </ul>
<ul style="list-style-type: none"> <li>• Waiānuenu Avenue, westbound, the through lane intersecting the extension of Lele Street near Carvalho Park.</li> </ul>
<b>(d) Ka‘ū</b>
<ul style="list-style-type: none"> <li>• Ka‘alāiki Road, northeast approach adjacent to parcels 9-5-008:001 and 9-5-008:010.</li> </ul>

<b>(c) South Hilo</b>
<ul style="list-style-type: none"> <li>• ‘Alae Street, both sides, from Laimana Street to Hāla‘i Street between the hours of 7:15 a.m. to 8:00 a.m. and 2:30 p.m. to 3:30 p.m. on school days.</li> </ul>
<ul style="list-style-type: none"> <li>• Banyan Drive, north (makai) side, from a point one thousand three hundred seventy-two feet southwest of the northern intersection of Lihiwai Street and extending one hundred seventy-six feet in the westerly direction, between the hours of 11:00 p.m. and 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Banyan Drive, northeast (makai) side, from a point nine hundred seventy-two feet northwest of Banyan Way and extending two hundred twenty feet northeast of the northern intersection of Lihiwai Street, except for the designated no parking anytime areas, loading zone, and bus stop, between the hours of 9:00 a.m. and 11:00 a.m. on Tuesdays.</li> </ul>
<ul style="list-style-type: none"> <li>• Banyan Drive, northwest (makai) side, from a point one hundred thirty-two feet southwest of the northern intersection of Lihiwai Street and extending five hundred ninety-one feet in the southwesterly direction, between the hours of 11:00 p.m. and 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Banyan Drive, south (golf course) side, from the southern intersection of Lihiwai Street and extending one hundred forty-one feet southwest of the northern intersection of Lihiwai Street, between the hours of 11:00 p.m. and 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Banyan Drive, southeast (golf course) side, from a point one hundred forty-one feet southwest of the northern intersection of Lihiwai Street and extending four hundred thirteen feet north on Banyan Way, except for the designated no parking anytime areas and bus stop, between the hours of 9:00 a.m and 11:00 a.m. on Thursdays.</li> </ul>
<ul style="list-style-type: none"> <li>• Banyan Drive, west (golf course) side, from a point four hundred thirteen feet north of Banyan Way and extending one hundred ninety-one feet in the southwesterly direction, between the hours of 11:00 p.m. and 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Banyan Way, northwest (golf course) side, from a point fifty-five feet southwest of Banyan Way and extending three hundred seventy-four feet north of Kamehameha Avenue, between the hours of 11:00 p.m. and 5:00 a.m.</li> </ul>

<b>(c) South Hilo (Continued)</b>
<ul style="list-style-type: none"> <li>• Haili Street, Puna side, between Kino'ole Street and Ululani Street from 7:15 a.m. to 8:00 a.m. on school days.</li> </ul>
<ul style="list-style-type: none"> <li>• Hualālai Street, Puna side, between Ululani Street and the makai side of the St. Joseph School Cafeteria from 7:15 a.m. to 8:00 a.m. on school days; 1:45 p.m. to 2:30 p.m. on Mondays, Tuesdays, Thursdays and Fridays when school is in session; and 12:45 p.m. to 1:30 p.m. on Wednesdays when school is in session.</li> </ul>
<ul style="list-style-type: none"> <li>• Kahoa Street, east side, from a point four hundred twenty-five feet north of Nahala Street and extending five hundred ninety-five feet north from 10:00 p.m. to 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Kalaniana'ole Street, south side, from a point eighty-three feet east of the Seaside Restaurant driveway to a point one hundred eight feet west of Lokoaka Street.</li> </ul>
<ul style="list-style-type: none"> <li>• Kalaniana'ole Street, south side, from a point sixty-three feet west of the Seaside Restaurant driveway and extending one hundred fifty-eight feet in the easterly direction except between the hours of 5:00 p.m. and 10:00 p.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Kalili Street, from a point one hundred forty-four feet south of Noe Street and extending four hundred forty-three feet in the southerly direction from 11:00 p.m. to 6:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Kīlauea Avenue, Hāmākua-mauka side, adjacent to the Hilo Hongwanji Temple driveway between the hours of 2:00 p.m. and 5:30 p.m. from Mondays to Fridays and 7:30 a.m. to 12:00 noon on Sundays.</li> </ul>
<ul style="list-style-type: none"> <li>• Lanihuli Street, northwest (Hāmākua) side, from a point one hundred seventy-seven feet southwest of Kino'ole Street to its southwestern terminus.</li> </ul>
<ul style="list-style-type: none"> <li>• Lihiwai Street, east side, Banyan Drive to Lili'uokalani Park Perimeter Road between the hours of 11:00 p.m. and 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Lili'uokalani Park Perimeter Road, beginning at a point seven hundred twenty-five feet west of Banyan Drive to Lihiwai Street between the hours of 11:00 p.m. and 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Mohouli Street, Pu'u'eo side, in front of the children's shelter area for a distance of seventy-five feet mauka of the old driveway into Kapi'olani School from 7:15 a.m. to 8:00 a.m. on school days; 1:45 p.m. to 2:30 p.m. on Mondays, Tuesdays, Thursdays and Fridays when school is in session; and 12:45 p.m. to 1:30 p.m. on Wednesdays when school is in session.</li> </ul>
<ul style="list-style-type: none"> <li>• Pi'ihonua Road, both sides, beginning at the northern terminus of Bridge 25-2 to the southern terminus of Bridge 25-1, between the hours of 6:00 p.m. and 6:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Pūnāwai Street, between 7:00 a.m. and 8:00 a.m. except Saturdays, Sundays and public holidays.</li> </ul>
<ul style="list-style-type: none"> <li>• Pu'u'eo Street, 4:00 a.m. to 6:00 a.m. on Mondays.</li> </ul>

<b>(c) South Hilo (Continued)</b>
<ul style="list-style-type: none"> <li>• Waiānuenu Avenue, Hāmākua side, from two hundred forty feet makai of Laimana Street to Kapi‘olani Street, between the hours of 7:15 a.m. and 8:00 a.m. on school days.</li> </ul>
<ul style="list-style-type: none"> <li>• Waiānuenu Avenue, Hāmākua side, fronting the Hilo Methodist Church, from 7:00 a.m. to 6:00 p.m. except on Saturdays, Sundays, and holidays.</li> </ul>
<ul style="list-style-type: none"> <li>• Waiānuenu Avenue, north side, from Pūnāwai Street to Hāla‘i Street, from 7:15 a.m. to 8:15 a.m. on school days and from 4:00 p.m. to 5:00 p.m. except on Saturdays, Sundays and public holidays.</li> </ul>
<ul style="list-style-type: none"> <li>• Waiānuenu Avenue, Puna side, from four hundred five feet makai of Laimana Street and extending one hundred fifty-eight feet towards Kapi‘olani Street between the hours of 7:15 a.m. and 5:30 p.m. on school days.</li> </ul>
<ul style="list-style-type: none"> <li>• Waiānuenu Avenue, Puna side, from one hundred feet makai of Laimana Street and extending one hundred sixty-four feet in the makai direction between the hours of 7:15 a.m. and 8:00 a.m. on school days.</li> </ul>
<ul style="list-style-type: none"> <li>• Waiānuenu Avenue, Puna side, one stall mauka of the Hilo Union School-Annex crosswalk, from 7:15 a.m. to 8:00 a.m. on school days; 1:45 p.m. to 2:30 p.m. on Mondays, Tuesdays, Thursdays and Fridays when school is in session; and 12:45 p.m. to 1:30 p.m. on Wednesdays when school is in session.</li> </ul>
<b>(d) Ka‘ū</b>
<b>(e) Kohala</b>
<b>(f) Kona</b>
<ul style="list-style-type: none"> <li>• Alapa Street, Kona Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• The County parking lot between Kuakini Highway and Likana Lane, between the hours of 2:00 a.m. and 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Eho Street, Kona Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Ka‘ahumanu Place, south side, one hundred twenty feet west of Ali‘i Drive and extending fifty-six feet in the easterly direction, from 6:00 a.m. to 6:00 p.m. everyday.</li> </ul>
<ul style="list-style-type: none"> <li>• Kaiwi Street, Kona Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Kaleiopapa Street, mauka side, beginning at a point four hundred ten feet north of ‘Ehukai Street and extending four hundred ten feet in the northerly direction, at all times, except between 4:00 p.m. to 9:00 p.m. on Tuesdays and Fridays.</li> </ul>
<ul style="list-style-type: none"> <li>• Kamanu Street, Kaloko Light Industrial Subdivision, from 10:00 p.m. to 5:00 a.m.</li> </ul>

<b>(f) Kona (Continued)</b>
<ul style="list-style-type: none"> <li>• Kanalani Street, Kaloko Light Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Kauhola Street, Kaloko Light Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Keanalehu Drive, 8:00 a.m. to 3 p.m. on school days.</li> </ul>
<ul style="list-style-type: none"> <li>• Lawehana Street, Kaloko Light Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Luhia Street, Kona Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Maiiau Street, Kaloko Light Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Olowalu Street, Kaloko Light Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Pawai Place, Kona Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.</li> </ul>
<ul style="list-style-type: none"> <li>• Puohulihuli Street, 8:00 a.m. to 3:00 p.m. on school days.</li> </ul>
<b>(g) Puna</b>
<ul style="list-style-type: none"> <li>• Ōla‘a to Kapoho Road in Pāhoa, mauka side, in front of the Pāhoa YBA Building, from 2:00 p.m. to 5:30 p.m. on school days except that on Wednesdays when school is in session, no parking shall be allowed from 1:00 p.m. to 5:30 p.m.</li> </ul>

The chief of police is authorized to remove, or cause to be removed at the owner's expense, any vehicle left unattended or parked in violation of this section or posted signs.

(1996, ord 96-163, sec 2; am 1997, ord 97-57, sec 1; ord 97-70, sec 1; ord 97-85, sec 1; ord 97-129, sec 3; am 1998, ord 98-32, sec 1; ord 98-85, sec 3; ord 98-89, sec 3; am 1999, ord 99-8, sec 1; ord 99-14, secs 1 and 2; am 2000, ord 00-10, sec 1; ord 00-12, sec 2; ord 00-27, sec 1; am 2001, ord 01-7, sec 1; am 2003, ord 03-168, secs 1 and 2; am 2006, ord 06-167, sec 1; am 2009, ord 09-146, sec 2; am 2010, ord 10-3, sec 3; am 2011, ord 11-92, sec 2; am 2012, ord 12-49, sec 2; ord 12-119, sec 2; am 2014, ord 14-5, secs 2 and 4; ord 14-6, sec 2; ord 14-50, secs 2, 3, and 4; ord 14-110, sec 2; am 2016, ord 16-104, sec 2; am 2017, ord 17-28, sec 1; am 2020, ord 20-46, sec 1.)

**Section 24-282.1. Schedule 30.1. 15 minute parking areas.**

When signs are erected giving notice thereof, vehicle parking on the following streets and portions of streets is limited to fifteen minutes:

<b>(a) Hāmākua</b>
<b>(b) North Hilo</b>

- (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) Amusement and recreation facilities, indoor.
  - (3) Automobile service stations.
  - (4) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (5) 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.
  - (6) Business services.
  - (7) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (8) Churches, temples and synagogues.
  - (9) Community buildings, as permitted under section 25-4-11.
  - (10) Convenience stores.
  - (11) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (12) Crop production.
  - (13) Day care centers.
  - (14) 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.

- (15) 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.
  - (16) Dwellings, single-family.
  - (17) Family child care homes.
  - (18) 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.
  - (19) Financial institutions.
  - (20) Group living facilities.
  - (21) Home occupations, as permitted under section 25-4-13.
  - (22) Medical clinics.
  - (23) Meeting facilities.
  - (24) Model homes, as permitted under section 25-4-8.
  - (25) Museums.
  - (26) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
  - (27) Offices.
  - (28) Personal services.
  - (29) Photography studios.
  - (30) Public uses and structures, as permitted under section 25-4-11.
  - (31) Repair establishments, minor.
  - (32) Restaurants.
  - (33) Retail establishments.
  - (34) Schools.
  - (35) Short-term vacation rentals situated in the general plan resort and resort node areas.
  - (36) Telecommunication antennas, as permitted under section 25-4-12.
  - (37) Theaters.
  - (38) 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; am 2020, ord 20-3, sec 1.)

**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.)

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

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(68)	06-59	5-12-2006	Kaloko, North Kona	7-3-25:9	A-20a	A-5a	
(69)	06-82	6-16-2006	Kaloko, North Kona	7-3-24:8	A-20a	FA-3a	
(70)	06-110	7-27-2006	Kaloko, North Kona	7-3-048:005	A-20a	A-10a	
(71)	07-46	4-4-2007	Pu'uuanahulu, North Kona	7-1-5:9 and 7-1-7:44-47	A-1a	O	
(72)	09-05	2-9-2009	Kaloko, North Kona	7-3-27:14	A-20a	A-10a	
(73)	09-06	2-9-2009	Kaloko, North Kona	7-3-026:017	A-20a	A-10a	
(74)	15-105	11-20-2015	Kaloko, North Kona	7-3-026:003	A-20a	A-7a	
(75)	16-79	7-25-2016	Kūki'o 2nd and Manini'owali, North Kona	7-2-004:027	A-5a	FA-2a	
(76)	16-99	10-24-2016	Kaloko, North Kona	7-3-048:001	A-20a	A-10a	
(77)	19-4	01-25-19	Kaloko, North Kona	7-3-027:007	(Amends Ord. 05-66) (Effective Date 05-16-05)		
(78)	20-34	05-01-20	Kaloko, North Kona	7-3-025:002	A-20a	A-5a	

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

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(253)	15-35	3-23-2015	Hōlualoa, North Kona	7-6-013:017	A-1a	CV-10	
(254)	15-104	11-20-2015	Auhaukeae 1st, North Kona	7-5-009:067: Por 054	(Amends Ord. 05-74) (Effective Date 5-18-2005)		
(255)	15-116	12-22-2015	Kalaoa 5th, North Kona	7-3-004:012	A-20a	FA-1a	
(256)	16-46	5-23-2016	Kealakehe Homesteads, North Kona	7-4-004:033	(Amends Ord. 99-36) (Effective Date 3-15-1999)		
(257)	16-86	8-18-2016	Puapua'a 2nd, North Kona	7-5-020:071 and 072	(Amends Ord. 04-56) (Effective Date 5-27-2004)		
(258)	18-115	12-5-18	Honokōhau 1st and 2nd, North Kona	7-4-008:013 & 030	(Amends Ord. 04-110) (Effective Date 10-12-2004)		
(259)	19-12	02-20-19	Kaupulehu, North Kona	7-2-003: Por. of 1	(Amends Ord. 99-42) (Effective Date 4-10-1999)		
(260)	19-38	04-25-19	Hienaloli 4th and 5th, North Kona	7-5-010: Por. of 13 (Formerly 7-5-23:64 and 067)	(Amends: 1) Ord. 09-049, that amended Ord. 95-118, and Ord. 92-036 and 2) Ord. 09-050, that amended Ord. 06-138, Ord. 90-010, and Ord. 86-049) (Effective Date 4-25-19)		
(261)	19-51	05-07-19	'O'oma, 1st, North Kona	7-3-005:112	A-5a	FA-1a	
(262)	19-57	05-21-19	Kalaoa 4th, North Kona	7-3-005:030	(Amends Ord. 12-156 that Amended 02-64) (Effective Date 12-14-12)		
(263)	20-41	05-28-20	Pāhoehoe 2nd, North Kona	7-7-008:120 and 7-7-008:124	RS-7.5 and RM-3.5	RA-3a and RS-20	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(102)	08-179	12-31-2008	Waikā, North Kohala	5-9-007:003	(Amends Ord. 95-119) (Effective Date 10-12-95)		
(103)	09-129	10-20-09	Kahuā and Waikā, North Kohala	5-9-005:004 and 005	A-20a	FA-3a	
(104)	10-99	10-22-10	Kapu‘a and Pūehuehu	5-4-008:001	A-20a	FA-2a	
(105)	10-101	10-22-10	Pahoa, North Kohala	5-5-019:025 and 027 (portions)	A-20a, RS-7.5	RS-15, RS-10, RS-7.5, Open	
(106)	13-28	3-13-2013	Waikoloa, South Kohala	6-8-002:Por. 021	A-5a	CV-20	
(107)	13-29	3-13-2013	Waikoloa, South Kohala	6-8-002:Por. 016	(Amends Ord. 07-127, that amended Ord. 05-157, Ord. 95-51, and 90-160 – Effective Date 9-20-2007)		
(108)	13-30	3-13-2013	Kahuā 1st, North Kohala	5-9-007:007	(Amends Ord. 07-106, which amended Ord. 02-21, Ord. 98-87, and Ord. 90-08 -- Effective Date 8-14-2007)		
(109)	15-72	7-20-2015	Ouli, Waimea, South Kohala	6-2-005:008	A-3A	RA-1.5a	
(110)	15-18	3-16-2016	Kānehoea Subdivision, South Kohala	6-2-009:013	A-5a	RA-2a	
(111)	20-25	4-20-2020	Kahuā 1st, North Kohala	5-9-001:008	RS-15	RA-5a	

ZONING MAP (‘Upolu Point-Ka‘auhuhu Homesteads)

§ 25-8-8

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	167	11-20-1968	Kaaauhuhu Homesteads, North Kohala	5-5-01:25	A-20a	A-3a	7.06(b)
(2)	298	1-28-1970	Kahei Homesteads, North Kohala	5-5-01:56	A-20a	A-1a	7.06(d)
(3)	571	4-13-1973	Kaaauhuhu Homesteads, Kaaauhuhu, North Kohala	5-5-01:Por. 22, 41 and 69	A-20a	A-3a	7.06(j)
(4)	131	7-14-1975	Kokoiki, North Kohala	5-5-04:20	A-20a	A-1a	7.06(m)
(5)	247	2-9-1977	Kahei Homesteads, North Kohala	5-5-01:53 and 55	A-20a	A-5a	7.06(q)
(6)	437	5-31-1979	Kaaauhuhu, Mahukona 1st and Niunulunui,	5-5-01:Por. 5	A-20a	A-10a	7.06(t)
(7)	619	9-11-1980	Kaaauhuhu, North Kohala	5-5-01:29	A-20a	A-5a	7.06(v)
(8)	815	8-24-1982	Kaaauhuhu Homesteads, North Kohala	5-5-01:22	A-20a	A-5a	7.06(w)
(9)	865	3-24-1983	Mahukona 2nd and Puuokumau, North Kohala	5-4-01:10 and 11, 5-7-02:13	A-20a	A-3a, A-10a	7.06(x-1 to x-3)
(10)	867	3-24-1983	Kaaauhuhu Homesteads 2nd, North Kohala	5-5-02:10	A-20a	A-3a	7.06(z)
(11)	83-15 (Am. Ord. 865)	9-14-1983	Puuokumau, North Kohala	5-4-01:11	A-20a	A-10a	
(12)	83-40	10-26-1983	Kahei, North Kohala	5-5-07:Por. 10	A-20a	A-5a	

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

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

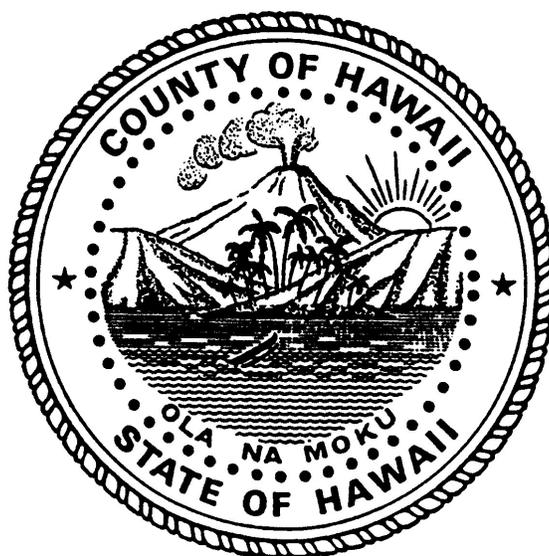
§ 25-8-23

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	347	10-26-1970	Olaa Summer Lots, Olaa, Puna	1-9-13:2, 3 and Por. 7	O	RS-20	7.19(a)
(2)	591	6-27-1973	Olaa Summer Lots, Olaa, Puna	1-9-04:Por. 10 and 12	CV-10	RS-20	7.19(b)
(3)	40	6-18-1974	Olaa Summer Lots, Olaa, Puna	1-9-04:Por. 10 and 12	RS-20	CV-10	7.19(c)
(4)	292	7-11-1977	Mt. View, Puna	1-8-02:48	CV-10	RS-10	7.19(d)
(5)	95-101	8-23-1995	Olaa, Puna	1-9-04:Por. 6	RS-20	CV-10	
(6)	95-124	10-25-1995	Olaa, Puna	1-9-04:Por. 14	RS-20	CV-20	
(7)	03-06	2-4-2003	‘Ōla‘a, Puna	1-9-4:Por. of 14	RS-20	CV-20	
(8)	12-128	9-27-2012	‘Ōla‘a, Puna	1-8-002:064	RS-10	CV-10	
(9)	20-21	4-6-2020	‘Ōla‘a Puna	1-9-004:004	RS-20	CV-10	

# THE HAWAII COUNTY CODE

## 1983 (2016 Edition, as amended)

Update to include: Supplement 8 (7-2020)  
Contains ordinances effective through: 06-30-20



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

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

# Volume Three



## DEFINITIONS

- 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  
Commissioner 36-1  
Committee 2-121

## DEFINITIONS

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, 2-247, 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  
Disaster relief 2-247  
Disaster relief funds 2-247  
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

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, 2-247  
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

**EXPLOSIVES**

- See: FIREARMS, WEAPONS AND EXPLOSIVES
- Prohibited methods of disposal 20-40
- Sewer wastes prohibited 21-9
  - Other sewer regulations. See: WATER AND SEWERS
- Vehicle carrying 24-126 et seq.

**-- F --**

**FACSIMILE**

- County Seal use regulated 2-155

**FALSE ALARMS**

- Fire code 26-30

**FALSE REPORTS**

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

**FAMILY VIOLENCE ADVISORY COMMISSION**

- Meetings, rules of procedure 2-186
- Membership, tenure 2-184
- Oath of affirmation 2-185
- Organization 2-183
- Powers, duties 2-187

**FARM SUBDIVISIONS**

- Definitions 23-113
- Restrictions, requirements and standards 23-114
  - See: SUBDIVISIONS

**FARM TRACTORS**

- Lamps and lights on 24-60
  - See: TRAFFIC

**FARMERS MARKETS**

- Intent 15-69
- Permit, fee 15-73
- Sites
  - Designated 15-72
  - Mapping 15-71
- Time limit establishment 15-70

**FEATHERS, TAR, PLASTICS**

- Sewer wastes prohibited 21-9

- Other sewer regulations. See: WATER AND SEWERS
- Plastic bag reduction 14-115 et eq.

**FECES**

- Dog feces declared nuisance and prohibited 4-19
  - Dogs, etc., in general. See: ANIMALS AND FOWL

**FEDERAL AGENCIES**

- Central coordinating agency duties 2-62

**FEDERAL CREDIT UNIONS**

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

**FEDERAL FUNDS**

- County housing agency 2-72

**FEDERAL GOVERNMENT**

- Real property tax exemption for public property 19-84
  - See: REAL PROPERTY TAXES

**FEDERAL GRANTS**

- Sewer service charges, etc. 21-35
  - See: WATER AND SEWERS

**FEDERAL REVENUE SHARING FUND**

- Generally 2-133
  - County finances in general. See: FINANCES

**FEES**

- Auctioneer's licenses 6-35
- Dog parks 15-78
- Public records, copies of 2-104
  - See: PUBLIC RECORDS
- Publication dispenser, sidewalk use permits 22-3.10
- Fire code, activities regulated by 26-13

**FENCES, WALLS, HEDGES AND ENCLOSURES**

- Wall signs. See: SIGN REGULATIONS
- Zoning regulations. See: ZONING

**FIDUCIARIES**

- Real property tax returns 19-14

## FIGHTING

### FIGHTING

- Dance hall license revocation 6-24
- Disorderly conduct in park areas 15-9

### FILLING STATIONS

- Vehicles cutting corners 24-172

### FILLS AND EXCAVATIONS

- See: EROSION AND SEDIMENTATION CONTROL

### FINANCES

- Appropriation of funds to nonprofit organizations
  - Co-sponsored activities 2-141
  - Definitions 2-136
  - Eligible organizations 2-137
  - Grants, procedure for awarding 2-139
  - Noncounty funds, applicability 2-141
  - Purpose 2-135
  - Service agreements
    - Conditions for grants 2-138
- Automotive equipment and motor pool books, keeping 2-49
- Bad checks. See herein: Payment to County by Negotiable Instrument Subsequently Dishonored
- Bad debts. See herein: Uncollectible Accounts
- Cashier
  - Official bonds 2-2
- Claims, settlement 2-9
- Controller
  - Official bonds 2-2
- Department of finance
  - Change orders and contract supplements; notification to the council 2-12.3
  - Encumbrance, defined, etc. 2-12.1
  - Fund balance 2-12.4
  - Lien parity 2-12.2
  - Organization of executive branch departments, officers, etc., under supervision of mayor 2-7
  - Permit fees, refund of 2-12
  - Warrants, issuance 2-11
- Department of parks and recreation
  - Authority to levy charges and fees 2-59
- Deputy director of finances
  - Official bonds 2-2
- Director of finance
  - Official bonds 2-2

- Order of succession to office of mayor 2-8
- Dishonored checks. See herein: Payment to County by Negotiable Instrument Subsequently Dishonored
- Disposal of county equipment
  - Director of finance
    - Powers and duties 2-131
    - Proceeds, disposition 2-132
- Donations, acceptance by county 2-161 et seq.
  - See: Gifts, acceptance by county
- Encumbrances
  - Obligation to pay funds from an appropriation, etc. 2-12.1
- Examiner of chauffeurs
  - Common carrier seating capacity determining 18-17
- Expenses, travel. See herein: Travel and Other Expenses
- Fees, charges, etc., by departments. See Specific departments, boards, or other agencies, etc., as indexed
- Financial disclosures and disclosures of interest 2-91.1 et seq.
- Fund
  - Budget stabilization fund 2-219 et seq.
  - Disaster and emergency 2-208 et seq.
  - Disaster relief funds 2-246 et seq.
- Gifts, acceptance by county
  - Definition 2-161
  - Procedures 2-162
- Mileage reimbursement
  - Volunteer Fire Personnel 2-20 et seq.
    - See also: FIRE DEPARTMENT
- Nonprofit organizations
- Records and reporting 2-142
  - Rules, making 2-142.1
- Personnel, compensation. See: OFFICERS AND EMPLOYEES
- Police department special duty services fees 2-171 et seq.
  - See: POLICE DEPARTMENT
- Public records fee schedule 2-103 et seq.
  - See: PUBLIC RECORDS
- Real property taxes 19-1 et seq.
  - See: REAL PROPERTY TAXES
- Records, reporting and fiscal accountability 2-142
  - Rules, making 2-142.1

**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	20-26A, 20-28A	
3	Signs	15-46A					20-19A	
4	Animals							
5	Building			17-56A			20-10A	
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						20-7A	
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		20-39A	
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	20-46A, 20-47A	

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	20-3A	
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	20-21A, 20-25A, 20-34A, 20-41A	
26	Fire		16-107A		18-15A			
27	Flood Control			17-56A	18-25A			

<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
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	--

**2020**

<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
20-1	01-03-20	Operating budget	--
20-2	01-03-20	Operating budget	--
20-3	01-03-20	Permitted uses in the "CN" district	25-5-102
20-4	01-03-20	Operating budget	--
20-5	01-22-20	Operating budget	--
20-6	01-22-20	Capital improvements budget	--
20-7	01-30-20	Proceedings for the formation of improvement districts	12-1, 12-2, 12-16, 12-18, 12-24, 12-29, 12-53
20-8	02-04-20	Capital improvements budget	--
20-9	02-04-20	Capital improvements budget	--
20-10	02-04-20	Energy conservation	5-84, 5-85
20-11	02-04-20	Operating budget	--
20-12	02-04-20	Operating budget	--
20-13	02-04-20	Capital improvements budget	--
20-14	02-19-20	Operating budget	--
20-15	02-19-20	Capital improvements budget	--
20-16	03-04-20	Operating budget	--
20-17	03-04-20	Operating budget	--
20-18	03-24-20	Operating budget	--
20-19	06-01-20	Sign code variances	3-3, 3-22, 3-23
20-20	03-24-20	Operating budget	--
20-21	04-06-20	Volcano-Mt. View Zoning Map	ZA
20-22	04-06-20	Operating budget	--
20-23	04-06-20	Operating budget	--
20-24	04-06-20	Operating budget	--
20-25	04-20-20	North & South Kohala District Zone Map	ZA
20-26	04-20-20	Department of Research and Development's Sustainability Action Committee	2-37

<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
20-27	04-20-20	General Obligation Bond (\$103,000,000 – Ane Keohokālole Highway Phase III – Hina Lani Street to Kaiminani Drive; Puna Connectivity and Emergency Access Routes; Paniolo Avenue Rehabilitation/Waikoloa Intersection Construction; Kawili Street Shoulder Improvements; Māmalahoa Highway Resurfacing – Hohola Drive to Kekehau Street; Plumeria Street Rehabilitation; and Waiānuenu Avenue resurfacing)	--
20-28	04-20-20	Appropriation of disaster relief funds to eligible nonprofit organizations to provide relief, recovery, mitigation, and remediation assistance for disaster damage caused by the 2018 Kīlauea eruption	2-246 to 2-258 (new article)
20-29	04-20-20	Operating budget	--
20-30	04-20-20	Capital improvements budget	--
20-31	05-01-20	Operating budget	--
20-32	05-01-20	Capital improvements budget	--
20-33	05-01-20	Operating budget	--
20-34	05-01-20	North & South Kona District Zone Map	ZA
20-35	05-01-20	Operating budget	--
20-36	05-01-20	Operating budget	--
20-37	05-01-20	Operating budget	--
20-38	05-20-20	Operating budget	--
20-39	05-21-20	Create two tiers for the residential class and authorizes council to set tax rate for each tier	19-46.1, 19-90
20-40	07-01-20	Salary Ordinance of 2020	--
20-41	05-28-20	North Kona Zone Map	ZA
20-42	05-28-20	Operating budget	--
20-43	05-28-20	Operating budget	--
20-44	07-01-20	Capital improvements budget FY 2020-2021	--
20-45	07-01-20	Operating budget FY 2020-2021	--
20-46	06-17-20	Traffic Schedules	24-281
20-47	06-17-20	Traffic Schedules	24-264
20-48	06-17-20	Operating budget	--

<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
20-49	06-17-20	Operating budget	--
20-50	06-17-20	Operating budget	--
20-51	06-17-20	Operating budget	--
20-52	06-26-20	Operating budget	--
20-53	06-30-20	Operating budget	--
20-54	06-30-20	Operating budget	--
20-55	06-30-20	Operating budget	--
20-56	06-30-20	Operating budget	--
20-57	06-30-20	Operating budget	--

