

# SUPPLEMENT 13 (1-2023)

## Insertion Guide

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

(Covering general ordinances effective through 12-31-22 and numbered through 22-131)

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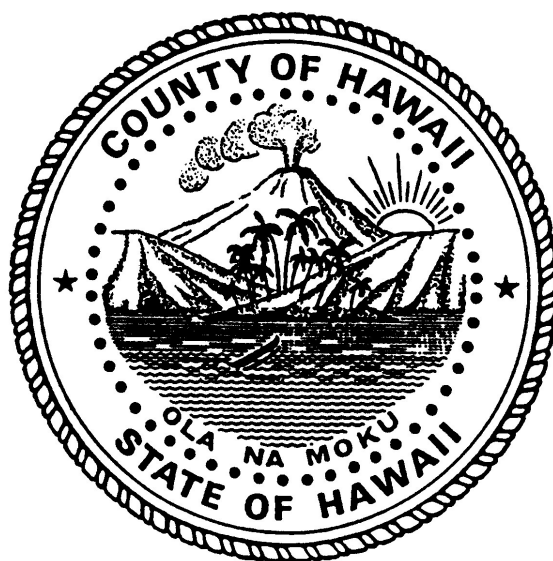
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# THE HAWAI‘I COUNTY CODE

## 1983 (2016 Edition, as amended)

Update to include: Supplement 13 (1-2023)  
Contains ordinances effective through: 12-31-2022



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 One



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(10) Provide County funds for rental payment assistance for private and public dwellings; and

(11) Adopt such rules pursuant to chapter 91, Hawai'i Revised Statutes, as are necessary to carry out the purposes of this article.

(1983 CC, c 2, art 13, sec 2-70; am 2014, ord 14-8, sec 1.)

**Section 2-71. Duties of housing administrator.**

(a) The housing administrator shall have direct responsibility for the administration and operation of the County housing programs and shall be under the direct supervision and control of the mayor. The housing administrator shall have the authority and responsibility to staff the office of housing and community development with necessary personnel to carry out the purposes of this article. It shall be the duty of the housing administrator to coordinate operations and programs of the office of housing and community development with the applicable housing plans and programs of the State and Federal governments.

(b) All programs and contracts with the Federal government to carry out the purposes of this article shall be prepared by the housing administrator and transmitted to the council for approval.

(c) The housing administrator shall provide clerical support for meetings of the housing agency.

(1983 CC, c 2, art 13, sec 2-71; am 2014, ord 14-8, sec 1.)

**Division 3. Funds and Contracts.**

**Section 2-72. Federal funds.**

If, in exercising any of its powers, the housing agency or office of housing and community development acquires funds from the Federal government, a separate account for such funds shall be established and no commingling of such funds with other funds shall take place.

(1983 CC, c 2, art 13, sec 2-72; am 2014, ord 14-8, sec 1.)

**Section 2-73. Signing of contracts.**

All instruments and documents relating to the housing programs of the County shall be signed by the mayor as authorized by the Charter. Any and all contracts with the United States department of housing and urban development shall be submitted to the housing agency for its approval and any such contract shall be executed by the mayor as authorized by the Charter.

(1983 CC, c 2, art 13, sec 2-73; am 2014, ord 14-8, sec 1.)

**Section 2-74. Revolving fund created.**

There is established a special revolving fund entitled the County housing program revolving fund to be maintained by the director of finance.

(1983 CC, c 2, art 13, sec 2-74.)

**Section 2-75. Use of the County housing program revolving fund.**

- (a) The County housing program revolving fund shall be utilized for the following:
- (1) Planning, design, and development of affordable housing units either by the County or by non-profit housing development partners;
  - (2) Exercising the buy-back option running in favor of the County contained in any conveyance document and to pay the costs of maintaining, repairing, renting, or reselling units purchased by the County pursuant thereto;
  - (3) Acquisition of vacant land for use as affordable housing, that may be developed by the County or with non-profit partners;
  - (4) Acquisition of existing structures for use as affordable housing;
  - (5) Rehabilitation of existing structures currently in use as affordable housing or acquired by the County to use for affordable housing;
  - (6) Infrastructure to support affordable housing development;
  - (7) Subsidies, grants, and loans to support very low-income, lower-income, and moderate-income households with upfront costs for rental units or mortgage financing;
  - (8) Subsidies, grants, and loans to support very low-income, lower-income, and moderate-income households with rental assistance or mortgage payments to prevent houselessness or foreclosure; or
  - (9) Purchasing of deed restrictions on private properties limiting resale to qualified buyers at resale values for lower-income and moderate-income households in perpetuity as established by the office of housing and community development administrative rules.
- (b) Any interest earned by the fund and any advanced costs that are recovered from housing project funds shall be returned to the revolving fund.
- (c) Whenever used in this section, unless the context otherwise requires:  
“Lower-income household” means households with incomes from 50% to 80% of the area median income.  
“Moderate-income household” means households with incomes from 80% to 120% of the area median income.  
“Very low-income household” means households with incomes from 0% to 50% of the area median income.

(1983 CC, c 2, art 13, sec 2-75; am 1993, ord 93-33, sec 1; am 2014, ord 14-68, sec 2; am 2022, ord 22-80, sec 1.)

**Section 2-75.1. Housing special funds.**

- (a) There are created and established housing special funds to be known as the:
    - (1) Kula'imano Elderly Rental Housing Special Fund.
    - (2) 'Ōuli Ekahi Rental Housing Special Fund.
  - (b) All income generated from each rental housing project shall be deposited into its respective housing special fund to be expended by the housing administrator solely for the operation, maintenance and improvement of that particular rental housing project.
  - (c) The housing administrator shall be responsible for the administration of all housing special funds in accordance with prescribed laws and procedures applicable to the expenditure of County funds.
- (1995, ord 95-149, sec 1.)

**Article 14. Mass Transit Agency.****Section 2-76. Creation.**

For the purpose of providing mass transit service in the County whether directly, jointly, or under contract with private parties, an agency to be known as the mass transit agency is created in order to implement chapter 51, Hawai'i Revised Statutes. (1983 CC, c 2, art 14, sec 2-76; am 2004, ord 04-58, sec 3.)

**Section 2-77. Mass transit administrator created.**

There shall be a mass transit administrator. The position of mass transit administrator shall be in the civil service and shall be filled through civil service recruitment procedures based on merit. (1983 CC, c 2, art 14, sec 2-77; am 2004, ord 04-58, sec 3.)

**Section 2-78. Duties of mass transit administrator.**

The mass transit administrator shall have direct responsibility for the administration and operation of County mass transit service, whether such service is provided directly, jointly, or under contract with private parties. The mass transit administrator shall be under the direct supervision and control of the managing director and shall have the authority to staff the agency with necessary personnel to carry out the purposes of the agency. (1983 CC, c 2, art 14, sec 2-78; am 2004, ord 04-58, sec 3.)

HAWAII COUNTY CODE

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## CHAPTER 7

### DISASTER AND EMERGENCY MANAGEMENT

#### Article 1. Disaster and Emergency Management.

- Section 7-1-1. Definitions.
- Section 7-1-2. Agency organization; appointments.
- Section 7-1-3. Duties; functions.
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- Section 7-2-1. Loitering during tsunami warning.
- Section 7-2-2. Loitering and refusal to evacuate during impending disaster or disaster.
- Section 7-2-3. Unauthorized parking in designated area prohibited.
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**CHAPTER 7****DISASTER AND EMERGENCY MANAGEMENT \***

\* **Editor's Note:** Chapter 7 "Civil Defense," was renamed "Disaster and Emergency Management" by Ordinance 22-103.

**Article 1. Disaster and Emergency Management. \***

\* **Editor's Note:** Article 1 was repealed in its entirety and replaced by Ordinance 22-103.

**Section 7-1-1. Definitions.**

As used in this chapter, unless it is apparent from the context that a different meaning is intended:

"Administrator" means the civil defense administrator with delegated authority from the mayor who is responsible for the administrative and operational functions of the civil defense agency during emergency management and non-emergency periods.

"Alerting organization" means an organization with the designated authority to alert and warn the public when there is an impending natural or human-made disaster or threat.

"Authorized persons" means a person approved or assigned by the civil defense agency to perform a specific type of duty or duties or to be at a specific location or locations.

"Civil defense agency" means the agency responsible for performing emergency management and homeland security functions within the County and outside the County, as may be required pursuant to chapter 127A and chapter 128A of the Hawai'i Revised Statutes.

"Comprehensive emergency management plan" means a plan for managing all types of emergencies and disasters by coordinating the actions of numerous agencies.

"Continuity of operations plan" means a plan that addresses an organization's or agency's capacity to carry out its essential duties while providing resources for emergency response in the event of an emergency.

"Disaster" means any emergency, or imminent threat, that results or may likely result in loss of life or property and that requires, or may require, assistance from other Counties or States or from the Federal government.

"Emergency" means any occurrence, or imminent threat, which results or may likely result in substantial injury or harm to the population or substantial damage to or loss of property.

"Emergency management" means a comprehensive integrated system at all levels of government, and also in the private sector, which develops and maintains an effective capability to prevent, prepare for, respond to, mitigate, and recover from emergencies or disasters.

"Integrated preparedness plan" means a comprehensive plan designed to develop and maintain core capabilities in the County.

“Land mobile radio system” means a system that facilitates routine and emergency wireless communication between first responders in the field, other field units, and dispatch centers.

“Loitering” means to stand or wait around idly or without apparent purpose.

“Mitigation” means sustained actions designed to reduce or eliminate risk of hazards and impacts of disaster events on people and property.

“Multi-hazard mitigation plan” means a County-wide plan that identifies risks, vulnerabilities, and ways to minimize damage and losses from natural and manmade disasters.

“Prevention” means to avoid or stop an imminent, threatened, or actual natural or manmade disaster.

“Protection” means to take necessary actions to avoid or minimize damage, injury, or destruction to residents, visitors, property, and assets.

“Recovery” means the process of returning to a normal state of affairs including timely restoration, strengthening and revitalization of infrastructure, housing and a sustainable economy, as well as the health, social, cultural, historic, and environmental fabric of communities affected by natural and manmade disasters.

“Response” means actions designed to save lives, protect property and the environment, and meet basic human needs in the aftermath of an emergency or disaster.

“Stakeholder preparedness review” means a three-step self-assessment of a community’s capability levels based on the core capability targets established in the threat hazard identification risk assessment. The stakeholder preparedness review identifies any change (lost, sustained, or built) in capabilities from the previous year, any gaps between the target and current capability, actions to take to close gaps or maintain the capability, and how funding sources (County, State, and Federal grants) have affected the capability.

“State of disaster or emergency” means an occurrence that requires efforts by local, State, or Federal government to protect property, public health, welfare, or safety in the event of a disaster or emergency, or to reduce the threat of a disaster or emergency.

“Threat and hazard identification and risk assessment” means an assessment process that helps communities understand risks and how to address those risks.

“Warning point” means a division within the civil defense agency that is charged with receiving and disseminating emergency and non-emergency information to and from State partners, first responders, and local governments in a timely manner.

(2022, ord 22-103, sec 3.)



**Section 7-1-2. Agency organization; appointments.**

The civil defense agency shall perform emergency management functions pursuant to chapter 127A and chapter 128A of the Hawai‘i Revised Statutes and shall consist of the following:

- (1) The head of the civil defense agency, who shall be the mayor of the County.
- (2) A full-time civil defense administrator, who shall be responsible for administrative functions and emergency management operations during non-emergency periods and, within the delegated scope of authority, have all the duties and responsibilities of the mayor during declared emergencies. The administrator shall be hired according to the provisions of chapter 76 of the Hawai‘i Revised Statutes.
- (3) Sufficient staff to carry out the duties and functions of the agency.
- (4) The employees and resources of all County departments, agencies, and offices in emergency management activities as needed.
- (5) Non-governmental organizations offering emergency management services pursuant to an agreement with the County, or accepted by the County when no agreement exists.

(2022, ord 22-103, sec 3.)

**Section 7-1-3. Duties; functions.**

The civil defense agency shall:

- (1) Organize, administer, and operationalize a comprehensive emergency management program that includes prevention, protection, mitigation, response, and recovery operations within the County;
- (2) Facilitate development and maintenance of all plans necessary to ensure preparedness, emergency management, hazard mitigation, and continuity of operations;
- (3) Maintain liaison with all State and Federal emergency management agencies and ensure necessary systems are established to receive State and Federal funds during times of disaster or emergency;
- (4) Manage the emergency operations center as the central coordinating entity during major disasters or emergencies;
- (5) Monitor any and all threats, emergencies, or disasters that pose a risk to the lives and safety of residents and visitors, and advise the mayor on proposed solutions for how to best protect people and property from danger;
- (6) Coordinate with all alerting organizations on issuance of emergency public information and warnings;
- (7) Establish a warning point that will be a primary means of coordination with alerting organizations and of issuing emergency public information and that will operate twenty-four hours-a-day and seven days-a-week;
- (8) Manage the County’s land mobile radio system to ensure system capability, responsiveness, and capacity;

- (9) Enter into memorandums of agreement with other jurisdictions and non-governmental organizations to provide aid and assistance to residents and visitors during emergency response and short-term recovery;
  - (10) Educate the public through community engagement as to the actions necessary and required to prepare and protect persons and property in the event of a natural or man-made disaster or emergency event; and
  - (11) Conduct training and exercises to ensure the efficient mobilization and coordination of emergency management forces and familiarize residents and organizations with emergency management plans, procedures, and operations.
- (2022, ord 22-103, sec 3.)

**Section 7-1-4. Emergency management plans.**

- (a) The following comprehensive emergency management plans shall be developed and maintained by the civil defense agency to ensure coordination in all phases of emergency management and filed with the County council:
    - (1) The comprehensive emergency management plan shall be developed by March 1, 2023 and reviewed annually.
    - (2) The threat and hazard identification and risk assessment shall be completed in April every three years, with a stakeholder preparedness review conducted annually.
    - (3) The integrated preparedness plan shall be prepared in June every three years, and be informed by the threat and hazard identification and risk assessment.
    - (4) The multi-hazard mitigation plan shall be developed every five years, by a mitigation work group with representation from the civil defense agency, planning department, and department of research and development, with additional representatives added on a temporary basis to address specific actions or issues.
  - (b) The administrator shall report to the County council in August of every year, summarizing the previous fiscal year's actions to implement and update the various comprehensive emergency management plans. The report shall include a brief description of the agency's collaborative work with community organizations.
- (2022, ord 22-103, sec 3.)

**Section 7-1-5. Utilization of existing government services.**

- (a) Each County department, agency, and office shall cooperate with and extend its services, materials, and facilities to the civil defense agency as requested by the mayor.
- (b) Each County department, agency, and office shall designate, in writing no later than December 31 of each year, one representative and two alternates to serve as liaisons to the civil defense agency. Liaisons shall have extensive knowledge of and delegated authority to assign departmental capabilities and available resources during a disaster or emergency event.

- (c) To facilitate emergency preparedness planning for the County of Hawai'i, all County departments, agencies, and offices shall prepare and periodically revise a continuity of operations plan pursuant to directions and technical assistance provided by the civil defense agency. The maintenance of the continuity of operations plan shall be the responsibility of appointed liaisons.

(2022, ord 22-103, sec 3.)

**Section 7-1-6. Emergency powers.**

- (a) The power to declare a state of disaster or emergency by proclamation, promulgate emergency rules having the force and effect of law, and make allotments of funds appropriated or available for emergency management is conferred on the mayor.
- (b) All County employees are considered emergency workers during a declared emergency.
- (c) All County employees, accepted volunteers, and non-governmental organization workers providing services in coordination with the County, except in cases of willful misconduct, gross negligence, or recklessness shall not be liable for death and injury to persons or property damage as an act or omission in the course of employment of duties.
- (d) The mayor may exercise the following additional powers in an emergency period:
- (1) Suspend any County law that impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions;
  - (2) Shut off water mains, gas mains, electrical power connections, or suspend other services;
  - (3) To the extent permitted by or under Federal law, authorize any actions necessary to ensure continuity of electronic media transmission; and
  - (4) Direct and control the mandatory evacuation of the civilian population.

(2022, ord 22-103, sec 3.)

**Article 2. Disaster Control. \***

\* **Editor's Note:** Sections 7-5 through 7-7 were repealed by Ordinance 22-103.

**Section 7-2-1. Loitering during tsunami warning. \***

A person commits the offense of loitering during an emergency if during a tsunami warning period, or during and immediately after a tsunami that person knowingly:

- (1) Loiters, loafs, or idles upon any public highway, public place, sidewalk, or beach, on foot or on any vehicle, in any coastal area, or area subject to tsunami action.
- (2) Disobeys any direction or command of any police officer directing traffic.

- (3) Refuses or fails to leave any area, public or private, upon order of a police officer, which action impedes or tends to impede the effective and orderly handling of an evacuation or a disaster; provided that this section shall not prevent any authorized person from lawfully preserving, protecting, or salvaging any property, real or personal, or to prevent any other authorized person from performing any other lawful duty.

(2022, ord 22-103, sec 5.)

\* **Editor's Note:** Section 7-9, was renumbered section 7-2-1 by Ordinance 22-103.

**Section 7-2-2. Loitering and refusal to evacuate during impending disaster or disaster.\***

A person commits the offense of loitering during an emergency if during an impending disaster or a disaster that person knowingly:

- (1) Loiters, loafs, or idles upon any public highway, sidewalk, or public place, on foot or on any vehicle, in or close to an impending disaster or a disaster area.
- (2) Disobeys any direction or command of any police officer directing traffic.
- (3) Refuses or fails to leave any area, public or private, upon order of an authorized person, which action impedes or tends to impede the effective and orderly handling of the impending disaster or the disaster; provided that this section shall not prevent any authorized person from lawfully preserving, protecting, or salvaging any property, real or personal, or to prevent any other authorized person from performing any other lawful duty.
- (4) Refuses or fails to evacuate any area, public or private, upon order of an authorized person, which action impedes or tends to impede the effectiveness and orderly handling of the evacuation of persons from an impending disaster area.

(2022, ord 22-103, sec 5.)

\* **Editor's Note:** Section 7-10, was renumbered section 7-2-2 by Ordinance 22-103.

**Section 7-2-3. Unauthorized parking in designated area prohibited. \***

- (a) Except when authorized by an authorized person or specific traffic control device, no person shall stop, stand or park a vehicle within an impending disaster or disaster area as described in a Mayor's and/or Governor's emergency declaration.
- (b) The police officer citing any driver or owner for a violation of this section may have the motor vehicle towed to and stored at a private tow yard at the registered owner's expense pursuant to section 291C-165.5(a) of the Hawai'i Revised Statutes.
- (c) Any person convicted of unauthorized parking in a designated area shall be punished by a fine of not more than \$100 for the first conviction; not more than \$200 for the second conviction of a second offense committed within one year after the date of the first offense; not more than \$500 for the third or subsequent conviction of a third or subsequent offense committed within one year after the date of the first offense.

(2022, ord 22-103, sec 5.)

\* **Editor's Note:** Section 7-12, was renumbered section 7-2-3 by Ordinance 22-103.

**Section 7-2-4. Penalty. \***

A person who has been convicted of any offense under this article, shall be sentenced to pay a fine not exceeding \$500 or imprisonment for a term of not more than thirty days.

(2022, ord 22-103, sec 5.)

\* **Editor's Note:** Section 7-11, was renumbered section 7-2-4 by Ordinance 22-103.

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## **CHAPTER 14**

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\* **Editor's Note:** Article 16 was invalidated by *Ruggles v. Yagong*, 353 P.3d 953 (Haw. 2015), *cert. denied*, 577 U.S. --- (2015).

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### **Article 18. Animal Eradication.\***

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

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

### **Article 19. Geothermal Drilling.**

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Section 14-117.	Licenses to carry concealed and unconcealed firearms.
Section 14-118.	Sensitive places prohibition; exceptions.
Section 14-119.	Carrying firearm while intoxicated or consuming an intoxicant prohibited.
Section 14-119.1.	Duty to inform law enforcement upon contact.
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### **Article 21. Hydraulic Fracturing Policy.**

Section 14-120.	Definitions.
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Section 14-122.	Right of entry.
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## **Article 23. Distribution of Tobacco Products.**

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Section 14-142.	Littering prohibited; use of public receptacles.
Section 14-143.	Sweeping into streets and sidewalks prohibited.
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Section 14-145.	Litter prohibited on occupied private property.
Section 14-146.	Distributing handbills at inhabited private premises.
Section 14-147.	Summons or citation for violation.
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## **Article 25. Clearing Occupied and Unoccupied Lots.**

Section 14-149.	Definitions.
Section 14-150.	Removal of refuse, undergrowth, and unsafe flora required.
Section 14-151.	Complaint by adjacent or abutting owner(s); request to clear.
Section 14-152.	Clearance by County; costs.
Section 14-153.	Service of notice.

**Article 5. Prohibition of Non-mineral Sunscreen. \***

\* **Editor's Note:** Article 5, formerly entitled "Fireworks," was repealed by Ordinance 16-107. This ordinance moved a new fireworks code into chapter 26, article 2.

**Section 14-30. Definitions.**

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

"Non-mineral sunscreen" means any sunscreen that uses an active ingredient other than titanium dioxide and zinc oxide.

"Sunscreen," "licensed healthcare provider," and "prescription" mean the same as defined in section 342D-21, Hawai'i Revised Statutes.

"Titanium dioxide" means the chemical titanium (IV) oxide under the International Union of Pure and Applied Chemistry chemical nomenclature registry, has a chemical abstract service registry number 13463-67-7, and whose synonyms include TiO<sub>2</sub>, titania, rutile, anatase, brookite, akaogiite, titanium white, Pigment White 6 (PW6), Colour Index (CI) 77891, oxido de titanio (IV), and titandioxid, and is intended to be used as protection against ultraviolet light radiation with a spectrum wavelength from four hundred nanometers to two hundred twenty nanometers in an epidermal sunscreen-protection personal-care product.

"Zinc oxide" means the chemical oxozinc under the International Union of Pure and Applied Chemistry chemical nomenclature registry, has a chemical abstract service registry number 1314-13-2, and whose synonyms include ZnO, zinc white, calamine, Chinese White, flowers of zinc, and zinc oxide, and is intended to be used as protection against ultraviolet light radiation with a spectrum wavelength from four hundred nanometers to two hundred twenty nanometers in an epidermal sunscreen-protection personal-care product.

(2022, ord 22-81, sec 2.)

**Section 14-31. Prohibitions.**

It is unlawful to sell, offer for sale, or distribute for sale any non-mineral sunscreen without a prescription issued by a licensed healthcare provider.

(2022, ord 22-81, sec 2.)

**Section 14-32. Exceptions.**

This article shall not apply to the sale, distribution, or offer of sale of sunscreens banned pursuant to chapter 342D, Hawai'i Revised Statutes.

(2022, ord 22-81, sec 2.)

**Section 14-33. Enforcement and administration.**

Enforcement and administration of the provisions of this article shall be under the jurisdiction of the department of environmental management of the County, which department shall have the power to formulate any administrative rules necessary to carry out the provisions of this article.

(2022, ord 22-81, sec 2.)

**Section 14-34. Violation and penalty.**

- (a) Any person, corporation, public agency or other entity who violates this article shall be fined not more than \$1,000 per incident.
  - (b) Money from fines collected for violation of this article shall be deposited into the general fund and utilized by the department of parks and recreation for mineral sunscreen dispensers, educational materials, and related purposes.
  - (c) In addition to the foregoing, any designee of the department of environmental management shall seize and dispose of any product in violation of this article.
- (2022, ord 22-81, sec 2.)

**Section 14-35. No conflict with State or Federal law.**

Nothing in this article may be interpreted or applied so as to create any requirement or duty in conflict with any State or Federal law.

(2022, ord 22-81, sec 2.)

**Article 6. Property Offenses.****Section 14-39. Duty of chief of police; cultivated grounds.**

It shall be the duty of the chief of police to protect lawns, gardens, grass plots, and other cultivated grounds belonging to the State and the County within the County, and all lawns, gardens, grass plots, and other cultivated grounds of a public nature within the County, and to place or cause to be placed on these places signs and notices warning persons to keep off these places; provided that this section shall not apply, during the period from February 1 through October 31 of each year, to the Hilo bayfront area, situated makai of the Hawai'i Belt Road, from the intersection of Kamehameha Avenue and Hawai'i Belt Road as delineated in the attached map.\*

(1983 CC, c 14, art 6, sec 14-39.)

\* **Editor's Note:** No map is attached.

**Section 14-40. Trespass prohibited; penalty.**

- (a) A person who trespasses or walks on or over a lawn, garden, grass plot or other cultivated ground, on which there is a sign or notice to keep off shall be guilty of a misdemeanor. Upon conviction, the person convicted shall be fined not less than \$2.50 nor more than \$25, in the discretion of the judge having jurisdiction of the case.
- (1983 CC, c 14, art 6, sec 14-40.)

**Section 14-40.1. Property damage prohibited; penalty.**

- (a) It shall be unlawful for any person maliciously or wilfully to mar, injure, damage, destroy, or deface or aid in marring, injuring, damaging, destroying, or defacing any public building, sign, sidewalk, light pole, wall fixture, playground, structure, facility, or other property of the County without its consent.

- (b) Any person violating this provision shall be punished, upon conviction, by a fine not exceeding \$1,000 or by imprisonment not to exceed ninety days, or both. In addition to the penalties provided herein, the County may recover for damages to its property, the measure of which shall be the cost of repairing, replacing, or rebuilding the property injured or destroyed.

(1986, ord 86-99, sec 2.)

### **Article 7. Radio Interference.**

#### **Section 14-41. Scope of article.**

This article shall not be held or construed to embrace or cover the regulation of any transmitting, broadcasting or receiving instrument, apparatus or device used or useful in interstate commerce or the operation of which instrument, apparatus or device is licensed or authorized by or under the provisions of any act of the Congress of the United States.

(1983 CC, c 14, art 7, sec 14-41.)

#### **Section 14-42. Operation of device causing electrical interference prohibited.**

- (a) No person shall knowingly or wantonly operate or cause to be operated, any machine, device, apparatus or instrument of any kind whatsoever within the County between the hours of 6:00 a.m. and 12:00 p.m., the operation of which shall cause reasonably preventable electrical interference with radio reception within the County.
- (b) X-ray pictures, examinations or treatments may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception and are not negligently operated.

(1983 CC, c 14, art 7, sec 14-42.)

#### **Section 14-43. Penalty.**

Any person violating the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100. Each day shall constitute a separate offense during which such violation continues.

(1983 CC, c 14, art 7, sec 14-43.)

**Article 8. Nuclear Energy.****Section 14-44. Purpose.**

The purpose of this article is to maintain a clean and healthy environment for present and future generations in the County, to protect the health and safety of the residents of the County from radiation exposure resulting from dangers of accidents involving the transportation or storage of nuclear materials or the development of nuclear reactors, and to protect the general health, safety, comfort and welfare of the citizens of the County.

The purpose of article 8 shall not in any way inhibit or prohibit the military from carrying out their duties and responsibilities.

(1983 CC, c 14, art 8, sec 14-44; am 1984, ord 84-39, sec 1.)

**Section 14-45. Definitions.**

(a) As used in this article, unless the context clearly requires otherwise:

- (1) "Person" means any individual, firm, partnership, association, corporation, company, governmental entity or department thereof, or organization of any kind.
- (2) "Store" means to hold for any period.
- (3) "Transport" means the transportation by any mode, including but not limited to rail, highway, waterway or air.
- (4) "Radioactive material or substance" means any material or combination of materials which spontaneously emits ionizing radiation and includes, but is not limited to accelerator-produced isotopes and by-product materials.
- (5) The term "radioactive material or substance" shall include:
  - (A) All materials which enter into or are produced as part of the nuclear fuel cycle, including milled uranium ore, fissile material, and all fission by-products.
  - (B) Any quantity of radioactive material specified as a "large quantity" by the Nuclear Regulatory Commission in 10 CFR, part 71.
  - (C) Any quantity of radioactive waste, including nonradioactive material contaminated with radioactive material, which has been produced as part of the nuclear fuel cycle.
- (6) For the purposes of this article, the term "radioactive material or substance" shall not include:
  - (A) Radiation sources or materials employed in therapeutic radiology, in biomedical research, or in educational endeavors, or medical devices designed for individual application (as for example cardiac pacemakers) or commercial devices, processes, or facilities, as approved by the appropriate regulatory and licensing agencies.

(1983 CC, c 14, art 8, sec 14-45.)



**Section 14-46. Transportation of radioactive material, unlawful.**

It shall be unlawful for any person to transport radioactive material within or through the County.

(1983 CC, c 14, art 8, sec 14-46.)

**Section 14-47. Storage of radioactive material, unlawful.**

It shall be unlawful for any person to store radioactive material within the County.

(1983 CC, c 14, art 8, sec 14-47.)

**Section 14-48. Nuclear energy facilities, prohibited.**

It shall be unlawful for any person to locate or build a nuclear energy facility which utilizes nuclear material for the production of energy within the County.

(1983 CC, c 14, art 8, sec 14-48.)

**Section 14-49. Penalty.**

Any person violating any provision of this article shall be guilty of a misdemeanor and shall be fined not more than \$1,000 or imprisoned for not more than one year, or both, for each violation.

(1983 CC, c 14, art 8, sec 14-49.)

Intentionally left blank.

**Article 9. Outdoor Lighting.****Section 14-50. Applicability and scope of article.**

- (a) This article shall apply to the installation of all outdoor lighting fixtures within the County.
  - (b) The provisions of this article, including provisions for the imposition upon any person of the penalties by fine for any violation of this article, shall not be construed to exclude the operation of applicable State statutes or other County ordinances. In the case of conflict with other County ordinances, the stricter ordinance shall apply.
- (1988, ord 88-122, sec 3.)

**Section 14-51. Definitions.**

- (a) As used in this article, unless the context clearly indicates otherwise:
  - (1) “Outdoor lighting fixture” means any outdoor artificial lighting device, fixture, lamp, or other similar device, permanently installed or portable, which is intended to provide illumination for either visibility or decorative effects. Such device shall include, but not be limited to, search, spot, and flood lighting used for:
    - (A) Buildings and structures;
    - (B) Recreational facilities;
    - (C) Parking lots;
    - (D) Landscape lighting;
    - (E) Business and advertising signs;
    - (F) Roadways;
    - (G) Walkways.
  - (2) “Class I lighting” means all outdoor lighting used for, but not limited to, outdoor sales and eating areas, assembly or repair areas, advertising or business signs, recreational facilities, and other similar applications in which color rendition is important.
  - (3) “Class II lighting” means all outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, outdoor security, and other similar applications in which general illumination of the grounds is the primary concern.
  - (4) “Class III lighting” means any outdoor lighting used for decorative effects. It includes, but is not limited to, waterfall and pond lighting and architectural highlighting for buildings and landscapes.
  - (5) “Building official” means the director of public works or the director’s designated representative.
  - (6) “Individual” means any private individual, governmental entity, tenant, lessee, owner, or any commercial entity including, but not limited to, companies, partnerships, joint ventures, or corporations.

- (2) The State of Hawai'i should conform and comply with the provisions of this article;
- (3) Other methods of animal population control must be used. Any such method to be enacted will take in to account the will of the people, which requires effective communication and a concerted effort to remain linked to the people that take responsibility for the land and its resources; and
- (4) The State of Hawai'i should increase public access to the areas of Hawai'i Island that will allow hunters and gatherers the opportunity to provide subsistence to the families of Hawai'i Island. Valuable food resources should be consumed rather than wasted.

(2012, ord 12-109, sec 2.)

**Section 14-112. Aerial eradication of animals; unlawful.**

It is a violation of this article for any person to engage in the eradication of any animal for any reason while being transported by helicopter, airplane, or any other similar means.

(2012, ord 12-109, sec 2.)

**Article 19. Geothermal Drilling.**

**Section 14-113. Definitions.**

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

“Residence” means a building or a part thereof permitted and designed for or used for a home.

“One mile” means the measurement made from the well bore, in a straight line, without regard to intervening structures or objects, to the property line of the nearest residence.

(2012, ord 12-151, sec 1.)

**Section 14-114. Restrictions.**

Geothermal resources exploration drilling and geothermal production drilling operations being conducted one mile or less from a residence, shall be restricted to the operating hours of 7:00 a.m. – 7:00 p.m.

(2012, ord 12-151, sec 1.)

**Article 20. Licenses to Carry Concealed and Unconcealed Firearms. \***

\* **Editor's Note:** Article 20, formerly entitled "Plastic Bag Reduction," was repealed by Ordinance 20-86, section 9. Provisions relating to plastic bag reduction can now be found in chapter 20, article 6.

**Section 14-115. Definitions.**

As used in this article, unless the context clearly requires otherwise:

"Chief of police" means the chief of police of the County or the chief's authorized subordinate.

"Law enforcement officer" means any police officer, public safety officer, parole or probation officer, or any other officer of any county, state, federal, or military agency authorized to exercise law enforcement or police powers.

"Private security officer" means any person employed and duly licensed to engage in the private detective or guard business pursuant to chapter 463, Hawai'i Revised Statutes.

"Under the influence" means the presence of any amount of alcohol, intoxicating or hallucinatory drug, or substance in the blood or breath.

(2022, ord 22-130, sec 2)

**Section 14-116. Supremacy clause.**

Any federal or state statute that conflicts with this article shall prevail.

(2022, ord 22-130, sec 2.)

**Section 14-117. Licenses to carry concealed and unconcealed firearms.**

A person granted a license to carry a concealed or unconcealed firearm shall have the license card in their possession when carrying the firearm in public, concealed or unconcealed.

(2022, ord 22-130, sec 2.)

**Section 14-118. Sensitive places prohibition; exceptions.**

(a) Any person granted a license to carry a concealed or unconcealed firearm shall not carry such licensed firearm in the following sensitive places:

- (1) Hospitals, medical facilities, medical offices, and/or medical clinics, except where permission is granted to such person by the administrator of the facility;
- (2) Schools, colleges, universities, and/or places where persons are assembled for educational purposes, except where permission is granted to such person by the institution;
- (3) Daycare centers, playgrounds, and parks, except where permission is granted to such person by the administrator of the facility;
- (4) Churches or religious assemblies, except where permission is granted by the administrator of the church, facility, or congregation;
- (5) Voter service centers or places of deposit, and any appurtenances thereto, as defined by section 11-1, Hawai'i Revised Statutes;

- (6) Government buildings and the accompanying parking lots attached to such buildings, except when the licensed firearm is kept in the vehicle unloaded with an affixed trigger lock or in a locked case;
  - (7) Private property open to the public where it is conspicuously posted that public carry of firearms is not allowed;
  - (8) Public transit facilities and any mode of transportation utilized for public transit;
  - (9) Bars, restaurants, and establishments that serve alcohol for consumption on its premises; and
  - (10) Places where people are assembled for an event, social gathering, rally, demonstration, or public exhibition where it is conspicuously posted by the organizers that public carry of firearms is not allowed.
- (b) Subsection (a) shall not apply to:
- (1) A private security officer when acting in the official capacity of the officer's scope of employment;
  - (2) A law enforcement officer; or
  - (3) Any person authorized to carry a firearm under the federal Law Enforcement Officers Safety Act of 2004, as amended.

(2022, ord 22-130, sec 2.)

**Section 14-119. Carrying firearm while intoxicated or consuming an intoxicant prohibited.**

Notwithstanding any provision to the contrary, no person granted a license to carry a concealed or unconcealed firearm shall carry a firearm while consuming or under the influence of alcohol or any intoxicating or hallucinatory drug or substance.

(2022, ord 22-130, sec 2.)

**Section 14-119.1. Duty to inform law enforcement upon contact.**

A person granted a license to carry a concealed or unconcealed firearm and who is in possession of and/or carrying their licensed firearm when contacted by a law enforcement officer, shall immediately inform the law enforcement officer the person is in possession and/or carrying their licensed firearm, and shall present the license to the law enforcement officer.

(2022, ord 22-130, sec 2.)

**Section 14-119.2. Penalties.**

- (a) Any person violating this article shall have their license to carry a concealed or unconcealed firearm revoked for one year, unless otherwise reinstated by the chief of police. This revocation shall apply to any and all licenses to carry a concealed or unconcealed firearm issued to the violator from the County of Hawai'i.

- (b) If a person objects to the revocation of their license to carry a concealed or unconcealed firearm, the person may request a hearing before the chief of police. A written request for a hearing shall be made no later than thirty days after receiving notice that the license to carry a concealed or unconcealed firearm has been revoked.
- (c) After the revocation period elapses, the person found to have been in violation of this article may reapply for a license to carry a concealed or unconcealed firearm. (2022, ord 22-130, sec 2.)

**Section 14-119.3. Administrative rules.**

The chief of police shall establish rules and regulations necessary to administer this article, pursuant to chapter 91, Hawaii Revised Statutes. (2022, ord 22-130, sec 2.)

**Article 21. Hydraulic Fracturing Policy.**

**Section 14-120. Definitions.**

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

“Department” means the planning department.

“Director” means the director of the planning department, or the director’s authorized representative(s).

“Drilling operation” means the boring, piercing, or penetration into an underground geologic formation.

“Hydraulic fracturing” means a drilling operation into an underground geologic formation and the injection of fluids, gases, chemicals, sand or any other substance with the intention to cause or enhance fractures in the geologic formation for the purpose of instigating or increasing the porosity or permeability of the geologic formation to initiate or increase the production of a desired commodity from a well. Hydraulic fracturing is also known as “fracking,” “hydro-fracking,” “hydro-fracturing,” “hydro-shearing,” “hydraulic shearing,” “hydro-stimulation,” or “enhanced geothermal drilling.” (2013, ord 13-115, sec 2.)

### **Article 7. Veterans Advisory Committee.**

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

### **Article 8. Naming of Facilities.**

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

### **Article 9. Farmers Markets.**

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

### **Article 10. Municipal Golf Course Funds.**

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

### **Article 11. Dog Parks.**

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

**Article 12. Pesticide Use in County Parks and Recreational Facilities.**

- Section 15-91. Definitions.
- Section 15-92. Glyphosate-based pesticides in County parks and recreational facilities prohibited.
- Section 15-93. Exemptions.
- Section 15-94. Use of other synthetic pesticides in County parks and recreational facilities.



**PARKS (continued)**

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

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

**CEMETERIES**

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

Ka‘ū	
Nā‘ālehu Cemetery	

North/South Kohala	
Kahei Cemetery Waimea Cemetery	

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

(2000, ord 00-15, sec 2; ord 00-66, sec 2; ord 00-113, secs 1 and 2; am 2002, ord 02-58, sec 2; am 2003, ord 03-99, sec 2; ord 03-135, sec 2; am 2004, ord 04-79, sec 2; am 2005, ord 05-40, sec 2; ord 05-96, sec 2; am 2006, ord 06-127, sec 2; ord 06-149, sec 3; am 2007, ord 07-22, sec 4; am 2008, ord 08-7 sec 5; ord 08-22, sec 2; ord 08-35, sec 2; ord 08-121, sec 2; ord 08-142, sec 2; am 2009, ord 09-32, sec 3; am 2010, ord 10-11, sec 3; am 2011, ord 11-90, sec 3; am 2012, ord 12-164, sec 2; am 2014, ord 14-57, sec 2; am 2015, ord 15-60, sec 4; am 2016, ord 16-111, sec 2; ord 16-112, sec 2; ord. 16-113, sec 4; am 2017, ord 17-61, sec 2; am 2018, ord 18-2, sec 2; ord 18-20, sec 3; ord 18-21, sec 2; ord 18-22, sec 2; ord 18-44, sec 2; ord 18-61, sec 2; ord 18-83, sec 2; am 2019, ord 19-43, sec 2; am 2020, ord 20-59, sec 2; am 2021, ord 21-3, sec 2; am 2022, ord 22-9, sec 3; ord 22-115, sec 3.)

**Section 15-88. Violation of regulations; penalties.**

- (a) Each separate violation of the provisions of this article is a violation and upon conviction, shall be punished by a fine not to exceed \$1,000. Conduct that is proscribed under Hawai'i County Code, chapter 4, article 4, as it relates to dogs, shall be enforced under that chapter.
- (b) Failure to have a current dog license tag on the dog's collar when entering a dog park constitutes a violation of this article.
- (c) Failure to have a current dog park entry tag on the dog's collar when entering a dog park constitutes a violation of this article. In addition to any penalty, the owner shall pay the dog park entry tag fee for that calendar year.
- (d) Failure to maintain current vaccinations for a dog entering a dog park constitutes a violation of this article. Medical records, vaccination certificates, and/or receipts showing current vaccination shall be provided by the handler upon request of the enforcement officer.
- (e) All fines collected under this article shall be deposited within thirty days into the general fund of the County of Hawai'i.
- (f) A one-year, no-trespassing notice against a person or dog may be issued by an enforcement officer for any violation of this article or any violation of posted park rules. A court of competent jurisdiction may extend the no-trespass period of time beyond one year for any violation of any section this article.

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

**Section 15-89. Dog park facility schedule.**

All dog parks shall be named by ordinance and added to the following facilities schedule:

<b>DOG PARKS</b>	
Hāmākua Hilo Kaʻū	Kohala Kona Puna

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

**Section 15-90. Severability.**

If any provision of this article is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this article.

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

**Article 12. Pesticide Use in County Parks and Recreational Facilities.****Section 15-91. Definitions.**

As used in this article, unless otherwise specified:

“County park and recreational facility” means a park or recreational facility listed in section 15-68.1, the County’s park and recreational facility schedule.

“Emergency” means an urgent need to mitigate or eliminate a plant pest that threatens public health and safety.

“Minimum risk products and methods” are products and methods that are not required to be regulated by the Environmental Protection Agency under 40 CFR 152.25.

“Pesticide” means:

- (1) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or
- (2) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(2022, ord 22-3, sec 2.)

**Section 15-92. Glyphosate-based pesticides in County parks and recreational facilities prohibited.**

- (a) Except as otherwise provided in this article, the County shall not use, or permit to be used by County contractors, pesticides that contain glyphosate as its active ingredient in all County parks and recreational facilities on or after July 1, 2022.
- (b) This ordinance shall not be construed to prohibit the use of glyphosate-based pesticides by persons or entities other than the County.

(2022, ord 22-3, sec 2.)

**Section 15-93. Exemptions.**

- (a) This article does not prohibit private property owners or those in control of private property, that is located adjacent to a County road easement from using glyphosate-based pesticides on that easement, provided such activity is not in violation of the provisions of chapter 149A, Hawai‘i Revised Statutes.
- (b) The Hilo Municipal Golf Course, Hilo Drag Strip, and County cemeteries are exempt from the provisions of this article, except for the provisions of section 15-94, relating to the use of other synthetic pesticides.
- (c) Emergency. Should an emergency arise that necessitates a temporary exemption to the provisions of this article, the mayor or applicable department may submit a formal request to the council for such an exemption, provided that: actions taken during an exemption period are solely for the purpose of mitigating a public health hazard or emergency; all other methods available are demonstrated to be inadequate in mitigating said emergency; and that a time frame for this exemption to take place is presented and affirmed. Requests for an emergency exemption from the provisions of this article shall be made by official communication from the mayor or applicable department making the request for exemption.

(2022, ord 22-3, sec 2.)

**Section 15-94. Use of other synthetic pesticides in County parks and recreational facilities.**

- (a) When a pesticide other than one that is glyphosate-based or that is not considered a “minimum risk product and method,” is applied by the County onto a County park or recreational facility, pesticides shall be applied in accord with the following:
- (1) Pesticide applications shall comply with the provisions of chapter 149A-31(1), Hawai‘i Revised Statutes;
  - (2) The area sprayed shall be made inaccessible to the public until the sprayed product dries, but for no less than four hours, or in accordance with the product’s label; and
  - (3) All directions on the label must be adhered to, such as wind or rain condition restrictions.
- (b) A visible notice, in the form of temporary signage shall be posted at the location of pesticide application, identifying the pesticide used by name.
- (2022, ord 22-3, sec 2.)

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- (2) The transit administrator may establish fares on a temporary basis for a period not to exceed one hundred and eighty calendar days for bus routes and services.
- (h) Suspension of fares; non-applicability to some services; terminates December 31, 2025.
  - (1) All fares established by this section shall be suspended through December 31, 2025. Riders boarding and alighting any mass transit service owned, maintained, or operated by the County, shall ride free of charge.
  - (2) This subsection shall not apply to County-contracted shared-ride services and County-operated curb-to-curb van services operated by the department of parks and recreation.
  - (3) The suspension of fares shall automatically terminate on December 31, 2025, unless extended by the council.
  - (4) Each year, no later than July 30 after the close of the fiscal year, the mass transit administrator shall provide a report to the council regarding the performance of the mass transit system, including passenger trips carried by route, comparison to the prior year and any other service performance data requested by the council to evaluate the suspension of fares prescribed by this subsection.

(1986, ord 86-15, sec 2; am 1990, ord 90-37, sec 7; ord 90-91, sec 1; am 2004, ord 04-141, sec 1; am 2005, ord 05-151, sec 1; am 2007, ord 07-141, sec 2; am 2009, ord 09-160, sec 2; am 2011, ord 11-62, sec 2; am 2012, ord 12-36, sec 1; am 2013, ord 13-32, sec 1; ord 13-76, sec 2; ord 13-109, sec 1; am 2016, ord 16-95, sec 2; am 2022, ord 22-12, sec 2; ord 22-94, sec 2.)

**Section 18-91. Baggage.**

A driver of any mass transit bus owned, maintained and operated by the County shall charge \$1 for each piece of baggage, including large backpacks, except that any small bag such as a train case, handbag, briefcase, or a package that can be carried on the lap of the passenger and within the passenger's respective seat shall be conveyed without charge.

(1986, ord 86-15, sec 2; am 2011, ord 11-62, sec 2.)

**Section 18-92. Fare schedules.**

<b>FARE SCHEDULE A</b>	
<b>Shared-Ride Fares</b>	
<b>One-Way Mileage</b>	<b>No. of Coupons (Per Person)</b>
0 — 4.0 miles	1 coupon
4.1 — 9.0 miles	2 coupons

Rates are maximum charge per zone. Shared-ride carriers may charge less at their discretion.  
 (1990, ord 90-37, sec 8; ord 90-91, sec 4; am 2001, ord 01-82, sec 1; ord 01-84, sec 1; am 2011, ord 11-62, sec 2.)

**Division 2. Paratransit Service.**

**Section 18-93. Establishment of paratransit service.**

- (a) The mass transit agency shall provide a paratransit service to complement the fixed route services operated by the County. This paratransit service shall be referred to as Hele-On Kāko‘o.
- (b) Hele-On Kāko‘o shall comply with all federal and state regulations that relate to paratransit as a complement to fixed route services for public transportation.  
 (2016, ord 16-108, sec 1.)

**Section 18-94. Definitions.**

As used in this division, unless the context otherwise requires:

“Paratransit service” means the County public transportation service which complements the current fixed routes providing origin-to-destination service to eligible individuals under the Americans with Disabilities Act of 1990.

“Rider” means a person deemed eligible to ride on the paratransit service in accordance with the Americans with Disabilities Act of 1990; Code of Federal Regulations 49, part 37, subpart F, section 37.123 or a person certified as eligible for paratransit services by the mass transit agency.

(2016, ord 16-108, sec 1.)

**Section 18-95. Eligibility.**

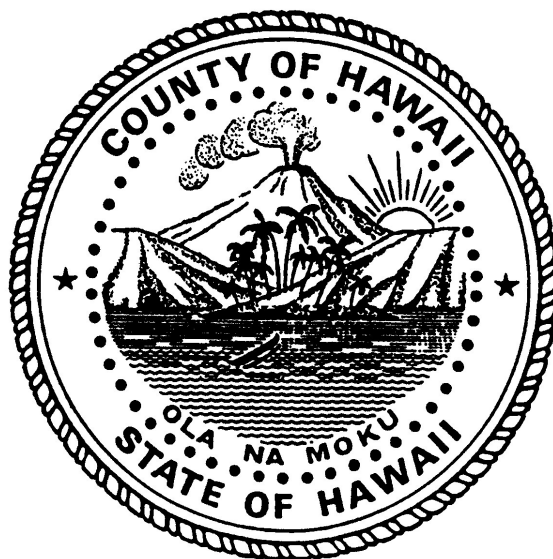
- (a) The mass transit agency shall approve or deny applications for Hele-On Kāko‘o services within twenty-one calendar days after receipt. Approval may include a finding that an applicant is eligible for some but not all of Hele-On Kāko‘o services. Specific reasons shall be cited for any decision other than complete approval.
- (b) If a decision has not been made within twenty-one calendar days, the applicant shall be deemed eligible for paratransit service on a temporary basis until a decision has been made.



# THE HAWAI‘I COUNTY CODE

## 1983 (2016 Edition, as amended)

Update to include: Supplement 13 (1-2023)  
Contains ordinances effective through: 12-31-22



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

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

## Volume Two



- (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.
  - (4) No less than seventy-five percent of the revenue collected annually pursuant to this subsection, calculated as the difference in revenue from the residential tier one property tax rate to the residential tier two property tax rate, shall be appropriated each fiscal year to County-sponsored programs designed to address housing and homelessness. This requirement shall not extend beyond June 30, 2027, unless otherwise amended by ordinance.
- (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; am 2022, ord 22-26, sec 1.)

## **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, Hawaii 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.)

**CHAPTER 20**  
**INTEGRATED SOLID WASTE MANAGEMENT**

**Article 1. General Provisions.**

Section 20-01-01. Title and purpose.  
Section 20-01-02. Severability.  
Section 20-01-03. Definitions.

**Article 2. Administration and Enforcement.**

**Division 1. Administration.**

Section 20-02-01. Jurisdiction.  
Section 20-02-02. Adoption of rules.

**Division 2. Enforcement.**

Section 20-02-21. General provisions.  
Section 20-02-22. Administrative enforcement.  
Section 20-02-23. Criminal Enforcement.

**Article 3. Disposal Requirements.**

Section 20-03-01. Disposal of solid waste.  
Section 20-03-02. Permit required for solid waste disposal.  
Section 20-03-03. Repealed.  
Section 20-03-04. Salvage of solid waste restricted.  
Section 20-03-05. Unauthorized persons entering SWD facilities.

**Article 4. Solid Waste Fees.**

Section 20-04-01. Disposal fees.  
Section 20-04-02. Collection of fees.  
Section 20-04-03. Solid waste fund designation.  
Section 20-04-04. Fee schedule.

**Article 5. Polystyrene Foam Food Container and  
Food Service Ware Reduction.**

Section 20-05-01. Prohibition.  
Section 20-05-02. Use of recyclable or compostable food service ware required.  
Section 20-05-03. Exemptions.

**Article 6. Plastic Bag Reduction.**

- Section 20-06-01. Purpose.
- Section 20-06-02. Plastic checkout bags prohibited.
- Section 20-06-03. Exemptions.

**Article 7. Disposal of Vehicles and Similar Materials.**

**Division 1. Abandoned and Derelict Vehicles.**

- Section 20-07-01. Disposition of abandoned or derelict vehicles.

**Division 2. Vehicle Disposal Assistance.**

- Section 20-07-21. Vehicle disposal assistance program.

- (2) Name and address of the person noticed;
  - (3) Section number of the code or rule which has been violated;
  - (4) Date, time, location, and nature of the violation;
  - (5) Deadline to correct the violation;
  - (6) To pay a civil fine not to exceed \$1,000 in the manner, place and deadline specified in the order;
  - (7) To pay a civil fine not to exceed \$1,000 per day for each day in which the violation persists, in the manner, time, place and deadline specified in the order;
  - (8) Any other consequence as determined by the director, including but not limited to, suspension or revocation of a permit; and
  - (9) The order shall advise the party responsible for the violation that the order shall become final thirty calendar days after the date of its delivery. The order shall also advise that the party responsible may request a meeting with the director prior to the end of the thirty calendar days and that the director's final written decision may be appealed to the commission within fifteen calendar days from the date of the director's final written decision.
- (b) Service. Proper service of such notice of violation and order shall be by personal service, registered mail, or certified mail upon the responsible party or parties, provided, that if such notice of violation and order is by registered mail or certified mail, the designated period within which the responsible party or parties is required to comply with the order shall begin as of the date the responsible party or parties in charge receives such notice.
- (c) Effect of Order; Right to Appeal. The provisions of the order issued by the director under this section shall become final thirty calendar days after the date of the delivery of the order, unless appealed. The party or parties responsible for the violation may request a meeting with the director, prior to the end of the thirty calendar days. Any final written decision by the director may be appealed to the commission within fifteen days from the date of the final written decision. However, an appeal to the commission shall not stay any provision of the order.
- (d) Judicial Enforcement of Order. The director may institute a civil action in any court of competent jurisdiction for the enforcement of any notice of violation and order issued pursuant to this section, including seeking a temporary, preliminary, or permanent injunction. Where a civil action has been instituted to enforce the civil fine imposed by an order, the director need only show that the notice of violation and order was served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been appealed in a timely manner nor paid.

(2020, ord 20-86, sec 3.)

**Section 20-02-23. Criminal Enforcement.**

Any person convicted of violating any of the provisions of this chapter shall be guilty of a petty misdemeanor and shall be punished by a fine not to exceed \$1,000 and/or imprisonment up to thirty days and shall be adjudged to pay all costs of the proceedings. The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance.

(2020, ord 20-86, sec 3.)

**Article 3. Disposal Requirements.****Section 20-03-01. Disposal of solid waste.**

Every owner or occupant of any residence or business or premises within the County shall dispose of solid waste in a County approved SWD facility in accordance with department rules.

(2020, ord 20-86, sec 3.)

**Section 20-03-02. Permit required for solid waste disposal.**

- (a) Every business, government agency, religious entity or nonprofit organization shall first obtain a disposal permit issued by the director and make payment of the permit fee as required before disposing of solid waste at any SWD facility.
- (b) An application for a disposal permit shall be submitted to the director on a form furnished by the department.
- (c) The director may suspend or revoke a disposal permit, in accordance with department rules, for the following reasons:
  - (1) Failure to pay any disposal charges or special handling fees when due.
  - (2) Failure to comply with the provisions of this chapter.
  - (3) Failure to comply with disposal procedures and/or conditions established by the department.

(2020, ord 20-86, sec 3.)

**Section 20-03-03. Repealed.**

(2020, ord 20-86, sec 3; rep 2022, ord 22-104, sec 1.)



**Section 20-03-04. Salvage of solid waste restricted.**

Any material delivered or deposited at a SWD facility shall become the property of the County. No person shall separate, collect, carry off, or dispose any article from any County SWD facility unless authorized to do so by the director.

(2020, ord 20-86, sec 3.)

**Section 20-03-05. Unauthorized persons entering SWD facilities.**

Any unauthorized person entering into a SWD facility during nonworking hours or for purposes other than that permitted in this chapter shall be considered to be a trespasser and shall be subject to the penalties of this chapter.

(2020, ord 20-86, sec 3.)

**Article 4. Solid Waste Fees.****Section 20-04-01. Disposal fees.**

- (a) Any solid waste, except for prohibited materials, disposed of by a business, government agency, religious entity, nonprofit organization or private citizen to a SWD facility shall be charged at rates as set forth in department rules.
- (b) The mayor, with the approval of the council, may temporarily rescind the solid waste disposal fees for a specified period.
- (c) The mayor may waive solid waste disposal fees when it is in the best interest of the County. Fees may be waived for one-time events for community organizations, nonprofit organizations, or private property owners who are remediating illegal dump sites which were not of their creation. The mayor will give notice to the council when tip fees are waived.

(2020, ord 20-86, sec 3.)

**Section 20-04-02. Collection of fees.**

- (a) All disposal fees shall be collected by the department and due at the time of disposal, unless a net thirty account has been established with the department.
- (b) A finance charge shall be charged to all net thirty accounts on all balances which are past due. In addition to this, access to County SWD facilities may be denied until the account is current.

(2020, ord 20-86, sec 3.)

**Section 20-04-03. Solid waste fund designation.**

- (a) There is hereby created and established a special fund to be known as the “Solid Waste Fund.”
  - (b) All funds received from the collection of fees authorized by this chapter shall be deposited with the director of finance and shall be accounted for and expended for the purpose of operating, maintaining, and administering the County’s solid waste management, collection, and disposal systems.
- (2020, ord 20-86, sec 3.)

**Section 20-04-04. Fee schedule.**

Fees for management of materials entering into a SWD facility and any State solid waste surcharge shall be established by the department pursuant to department rules.

(2020, ord 20-86, sec 3.)

**Article 5. Polystyrene Foam Food Container and Food Service Ware Reduction.****Section 20-05-01. Prohibition.**

Food providers and County facility users are prohibited from providing food in disposable food service ware that is made from polystyrene foam.

(2020, ord 20-86, sec 3.)

**Section 20-05-02. Use of recyclable or compostable food service ware required.**

- (a) All food vendors using any disposable food service ware shall use a suitable recyclable or compostable product.
  - (b) All County facility users shall use a suitable recyclable or compostable product for disposable food service ware.
- (2020, ord 20-86, sec 3.)

**Section 20-05-03. Exemptions.**

- (a) The following are exempt from the provisions of this article:
  - (1) Foods packaged outside the limits of the County of Hawai‘i;
  - (2) Coolers and ice chests that are intended for reuse; and
  - (3) Food packaging for raw: meat; poultry; seafood; and eggs that have not been further processed.
- (b) County facility users and food vendors.
  - (1) The director may exempt a food vendor or County facility user from the provisions of this article, in a situation where compliance with the terms of this article would result in undue hardship. The exemption shall be in place for a period of time not to exceed one hundred eighty days.
  - (2) Undue hardship includes, but is not limited to, situations unique to the food vendor or County facility user that generally do not apply to other persons in similar circumstances.

- (3) Food vendors and County facility users seeking an exemption from the requirements of this article shall provide all required information on an application for exemption, including but not limited to, documentation supporting the applicant's claim that compliance with this article will result in undue hardship.
  - (4) The director may approve or deny an exemption request in whole or in part. Applicants may appeal the director's decision to the commission.
  - (5) All exemptions shall be promptly posted on the County website for the department of environmental management as a notice of temporary exemption.
- (c) Emergency supplies or services procurement.  
The mayor may exempt County facility users and food vendors from the provisions of this article, in a situation deemed by the mayor to be an emergency that necessitates such exemption in order to preserve the public peace, health, and safety. The exemption shall be in place until the mayor determines that the emergency situation has ceased and the exemption is no longer needed to preserve the public peace, health, and safety.  
(2020, ord 20-86, sec 3.)

#### **Article 6. Plastic Bag Reduction.**

##### **Section 20-06-01. Purpose.**

The purpose of this article is to reduce the use of plastic bags and to encourage the use of environmentally preferable alternatives, such as reusable cloth or paper bags.  
(2020, ord 20-86, sec 3.)

##### **Section 20-06-02. Plastic checkout bags prohibited.**

Businesses shall not provide plastic checkout bags to their customers.  
(2020, ord 20-86, sec 3.)

##### **Section 20-06-03. Exemptions.**

Organizations classified under Section 501(c)(3) of the United States Internal Revenue Code are exempt from the provisions of this article.  
(2020, ord 20-86, sec 3.)

**Article 7. Disposal of Vehicles and Similar Materials.****Division 1. Abandoned and Derelict Vehicles.****Section 20-07-01. Disposition of abandoned or derelict vehicles.**

- (a) No person shall leave, abandon, or place any wrecked or nonoperational automobile or construction equipment or part or portion of a wrecked or nonoperational automobile or construction equipment, or scrap iron, or other similar material, upon any part of a public highway, public property, or private property of another.
  - (b) The department shall take into custody and dispose of abandoned or derelict vehicles in accordance with chapter 290, Hawai'i Revised Statutes.
  - (c) The removal of abandoned or derelict vehicles shall be subject to the following:
    - (1) The department shall only remove abandoned or derelict vehicles that are located on or within ten feet from the edge of any public or private road;
    - (2) The department shall not remove abandoned or derelict vehicles from any area if the director determines that the area is unsafe for a tow truck to traverse;
    - (3) A notice shall be affixed to an abandoned or derelict vehicle stating that the vehicle must be moved beyond a radius of one mile from its location within twenty-four hours of the notice being affixed;
    - (4) If an abandoned or derelict vehicle has not moved beyond a radius of one mile from its location within twenty-four hours of a notice being affixed, the vehicle will be classified as abandoned and subject to removal; and
    - (5) All decisions to tow shall be subject to the discretion of the director.
  - (d) The director shall develop and implement a public outreach program to educate residents, community associations, road corporations, tow companies, and the public about the disposition of abandoned or derelict vehicles including the procedures for reporting abandoned or derelict vehicles.
  - (e) The department shall adopt rules regarding the disposition of abandoned or derelict vehicles, that are in accord with chapter 290, Hawai'i Revised Statutes.
- (2022, ord 22-104, sec 2.)

**Division 2. Vehicle Disposal Assistance.****Section 20-07-21. Vehicle disposal assistance program.**

- (a) The department shall establish a vehicle disposal assistance program to assist Hawai'i County residents with disposal of vehicles. Assistance shall be contingent on the availability of funds within the County's vehicle disposal fund, and at the discretion of the director.
  - (b) Applications for assistance.  
To apply for disposal assistance, a property owner or registered vehicle owner shall apply to the department to have the department dispose of a vehicle from the property owner or registered vehicle owner's property.
  - (c) The property owner shall ensure that the vehicle is accessible for towing.
- (2022, ord 22-104, sec 2.)

## **Division 4. Parking Meters.**

### **Subdivision 1. Meter Zones.**

- Section 24-213. Parking meter zones.
- Section 24-214. Installation of parking meters.
- Section 24-215. Parking meter spaces.
- Section 24-216. Deposit of coins; time limits.
- Section 24-216.1. Repealed.
- Section 24-217. Hours of operation; exceptions.
- Section 24-218. Use of slugs prohibited.
- Section 24-219. Tampering with meters prohibited.
- Section 24-220. Collection, deposit, and application of proceeds.

### **Subdivision 2. Use of Parking Stalls for Construction or Special Events.**

- Section 24-221. Definitions.
- Section 24-222. Permit required.
- Section 24-223. Fees.
- Section 24-224. Permit application; contents; department to exercise discretion.
- Section 24-225. Responsibility for keeping permit at job site; inspection by authorized personnel.
- Section 24-226. Permit violations; enforcement.
- Section 24-227. Penalty.

## **Division 5. County Building Parking.**

- Section 24-228. Director of public works to regulate parking at County building.
- Section 24-229. Area of County lands regulated; hours.
- Section 24-230. Director of finance to set rates; theater parking; rental computation.
- Section 24-231. Parking application; assignment of spaces; special parking.
- Section 24-232. Map of parking areas; authority to change areas.
- Section 24-233. Shifting privileges and restrictions on certain occasions.
- Section 24-234. Enforcement of division.
- Section 24-235. Signs and pavement markings.
- Section 24-236. Parking in prohibited areas; towing vehicles; permit required.
- Section 24-237. Vehicle identification; evidence of violation.
- Section 24-238. Overtime parking in metered areas; citations.
- Section 24-239. Conditions for return of parking permit.
- Section 24-240. Penalty; revocation of parking privileges.

## **Division 6. Parking for persons with disabilities.**

- Section 24-241. Intent and purpose.
- Section 24-242. Definitions.
- Section 24-243. Issuing agency.

- Section 24-244. Parking privileges.
- Section 24-245. Fees.
- Section 24-245.1. Requirements; permit display, presentation of identification card and nontransferability.
- Section 24-245.2. Designation of parking spaces.
- Section 24-245.3. Violations and penalties.

**Division 7. Parking for electric vehicles.**

- Section 24-245.4. Definitions.
- Section 24-245.5. Parking privileges.
- Section 24-245.6. Penalties.

**Article 9. Pedestrians.**

- Section 24-246. Crosswalks established.
- Section 24-247. Entering obstructed intersection or crosswalk.
- Section 24-248. Roadways closed to pedestrian traffic.
- Section 24-249. Pedestrians soliciting rides or business prohibited.
- Section 24-250. Driving through safety zone prohibited.
- Section 24-251. Obstruction of highways.
- Section 24-252. Highway railings; prohibited acts.

**Articles 10 and 11. Vehicle and Traffic Schedules. \***

\* **Editor's Note:** Articles 10 and 11, that contain Vehicle and Traffic Schedules, are located behind the "Traffic Schedules" tab.

**Division 7. Parking for electric vehicles.****Section 24-245.4. Definitions.**

As used in this division:

“Electric vehicle” means:

- (1) A neighborhood electric vehicle as defined in this section;
- (2) A vehicle, with four or more wheels, that draws propulsion energy from a battery with at least four kilowatt hours of energy storage capacity that can be recharged from an external source of electricity; or
- (3) A fuel cell electric vehicle.”

“Electric vehicle charging system” means a system that:

- (1) Is capable of providing electricity from a non-vehicle source to charge the batteries of one or more electric vehicles;
- (2) Meets recognized standards, including standard SAE J1772 of SAE International; and
- (3) Is designed and installed in compliance with chapter 5D of the Hawai‘i County Code;

provided that the term shall not include facilities or systems for refueling the hydrogen storage tank of a fuel cell electric vehicle.”

“Fuel cell electric vehicle” means a zero-emission electric vehicle that uses a fuel cell to convert hydrogen gas and oxygen into electricity that is used in a vehicle powertrain for propulsion.”

“Neighborhood electric vehicle” means a self-propelled electrically powered motor vehicle to which all of the following apply:

- (1) The vehicle is emission free;
- (2) The vehicle is designed to be and is operated at speeds of twenty-five miles per hour or less;
- (3) The vehicle has four wheels in contact with the ground;
- (4) The vehicle has a gross vehicle weight rating of less than three thousand pounds; and
- (5) The vehicle conforms to the minimum safety equipment requirements as adopted in the Federal Motor Vehicle Safety Standard No. 500, Low Speed Vehicles (49 C.F.R. 571.500).

(2022, ord 22-95, sec 2.)

**Section 24-245.5. Parking privileges.**

- (a) Only electric vehicles may be parked in a parking space designated and marked as reserved for electric vehicles.
- (b) Only electric vehicles that are plugged in with the intent to charge may be parked in a parking space equipped with an electric vehicle charging system that is designated and marked as reserved for this purpose.

(2022, ord 22-95, sec 2.)

**Section 24-245.6. Penalties.**

Any person who uses a parking space in violation of section 24-245.5, shall be guilty of a traffic infraction and fined according to chapter 291D and section 291-72, Hawai‘i Revised Statutes.

(2022, ord 22-95, sec 2.)

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<b>(f) Kona</b>
<p>(1) Vehicles having a gross vehicle weight rating of three or more tons shall not be permitted to use the hereinafter designated streets. These provisions shall not be applicable to local area origin/destination traffic and vehicles providing services to residents of the hereinafter designated streets. Further, these restrictions shall be lifted during the period of any emergency declared by the civil defense agency.</p> <ul style="list-style-type: none"> <li>• Haleki'i Street in the South Kona District.</li> <li>• Kupuna Street in the North Kona District.</li> <li>• Lako Street in the North Kona District.</li> <li>• Manawa Street in the South Kona District.</li> <li>• Nape Street in the South Kona District.</li> </ul>
<p>(2) Bicycles, mopeds, and motor scooters shall not be permitted to use the hereinafter designated streets:</p>
<b>(g) Puna</b>

(1996, ord 96-163, sec 2; am 2001, ord 01-70, secs 1 and 2; am 2006, ord 06-164, sec 2; am 2010, ord 10-83, sec 1; am 2013, ord 13-70, secs 2 and 3; am 2022, ord 22-105, sec 2.)

**Division 9. Bicycles.**

**Section 24-294. Schedule 42. Bicycle lanes.**

The following areas are bicycle lanes:

<b>(a) Hāmākua</b>
<b>(b) North Hilo</b>
<b>(c) South Hilo</b>
<ul style="list-style-type: none"> <li>• Kāwili Street, both sides, between Puainako Street and Kīlauea Avenue.</li> </ul>

<b>(d) Ka‘ū</b>
<b>(e) Kohala</b>
<b>(f) Kona</b>
<ul style="list-style-type: none"> <li>• Kuakini Highway, mauka side, between Palani Road and the Old Kona Airport.</li> <li>• Kuakini Highway, both sides, between Palani Road and Hualālai Road.</li> <li>• Manawale‘a Street, both sides.</li> </ul>
<b>(g) Puna</b>

(1996, ord 96-163, sec 2; am 2008, ord 08-94, sec 1; am 2009, ord 09-23, sec 1.)

**Section 24-295. Schedule 43. Bicycle routes.**

The following areas are bicycle routes:

<b>(a) Hāmākua</b>
<b>(b) North Hilo</b>
<b>(c) South Hilo</b>
<ul style="list-style-type: none"> <li>• Kalaniana‘ole Street, Kamehameha Avenue to Lokoaka Street.</li> <li>• Kapi‘olani Street, both directions, between Kāwili Street and Lanikāula Street.</li> <li>• Kāwili Street, both directions, between Kīlauea Avenue and Hawai‘i Community College.</li> </ul>
<b>(d) Ka‘ū</b>
<b>(e) Kohala</b>
<b>(f) Kona</b>
<b>(g) Puna</b>

(1996, ord 96-163, sec 2; am 1997, ord 97-130, sec 1.)

**Division 10. Tow or Tow-Away Zones.**

**Section 24-296. Schedule 44. Reserved.\***

\* **Editor's Note:** Since this schedule duplicated schedule 29, the streets listed under this schedule were moved to schedule 29.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Section 25-4-50. Off-street parking and loading: purpose.
- Section 25-4-51. Required number of parking spaces.
- Section 25-4-52. Method of determining number of parking spaces.
- Section 25-4-53. Minimum dimensions of parking spaces.
- Section 25-4-54. Standards and improvements to off-street parking spaces.
- Section 25-4-54.1. Parking for electric vehicles; electric vehicle charging systems.
- Section 25-4-54.2. Alternatives and exemptions; parking for electric vehicles; electric vehicle charging systems.
- Section 25-4-55. Parking for persons with disabilities.
- Section 25-4-56. Off-street loading requirements.
- Section 25-4-57. Method of determining number of loading spaces.
- Section 25-4-58. Dimension of loading spaces.
- Section 25-4-59. Location and improvement of loading spaces.
- Section 25-4-59.1. Director determination of parking and loading requirements.
- Section 25-4-59.2. Exceptions to the off-street parking and loading requirements.
- Section 25-4-59.3. Landscaping and screening for parking lots and loading spaces.

**CHAPTER 25****ZONING****Article 1. General Provisions.****Section 25-1-1. Title.**

The provisions of this chapter, inclusive of any amendments, shall be known as the zoning code.

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

**Section 25-1-2. Scope, purposes and applicability.**

(a) This chapter shall be applied and administered within the framework of the general plan which is a long-range, comprehensive, general plan prepared to guide the overall future development of the County.

(b) For the purpose of promoting health, safety, morals, or the general welfare of the County, this chapter regulates and restricts the height, size of buildings, and other structures, the percentage of a building site that may be occupied, off-street parking, setbacks, size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. Should any conflict between this chapter and other parts of the Code exist, this chapter shall prevail.

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

**Section 25-1-3. Severability.**

If any portion of this chapter, or its application to any person or circumstance, shall be held unconstitutional or invalid because it violates any provision of the County Charter or for any other reason, the remainder of the chapter and the application of such portion to other persons or circumstances shall not be affected thereby.

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

**Section 25-1-4. Adoption of rules.**

The director and the commission may, as appropriate, each adopt rules, in accordance with chapter 91, Hawai'i Revised Statutes, for the purpose of implementing the provisions of this chapter.

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

**Section 25-1-5. Definitions.**

(a) Building construction and development terms that are not defined in this chapter shall be given their respective definitions as found in the County construction code, including chapters 5 and 5A through 5F.

(b) The following words and phrases, unless the context otherwise requires, are defined as follows:

“Accessory building” means a building, no more than twenty feet in height, detached from and subordinate to a main building or main use on the same building site and used for the purposes customarily incidental to those of the main building or use.

“Accessory use” means a use which is customarily associated with and subordinate to the main or principal use and which is located on the same building site as the main or principal use.

“Adult day care home” means a private residence, approved by the state, providing supportive and protective care, without overnight accommodations, to a limited number of adult disabled or aged persons. The term shall not include day care centers for elderly, disabled and aged persons as defined by chapter 346, part IV, Hawai‘i Revised Statutes, as amended.

“Agricultural activities” means income producing activities or uses as characterized by the cultivation of crops, including but not limited to flowers, vegetables, foliage, fruits, forage, and timber; and farming or ranching activities or uses related to animal husbandry, aquaculture, or game and fish propagation.

“Agricultural products processing, major” means activities involving a variety of operations on crops or livestock which may generate dust, noise, odors, pollutants or visual impacts that could adversely affect adjacent properties. These uses include, but are not limited to, slaughterhouses, mills, refineries, canneries and milk processing plants.

“Agricultural products processing, minor” means activities used for crop production, which are not regulated as major agricultural products processing and which involve a variety of operations on crops after harvest to prepare them for market, or further processing and packaging at a distance from the agricultural area. Included activities are cleaning, milling, pulping, drying, roasting, hulling, storing, packing, honey processing, poi-making, selling and other similar activities. Also included are the facilities or buildings related to such activities.

“Agricultural tourism” means visitor-related commercial activities or periodic special events designed to promote agricultural activities conducted on a working farm, ranch, or agricultural products processing facility.

“Alley” means a narrow street through a block primarily for access by service vehicles to the back or side of properties fronting on another street.

“Alternating current Level 2 charging station,” commonly referred to as “Level 2 charging station,” means an electric vehicle charging system that utilizes alternating current electricity providing at least six kilowatts per plug and means a system that:

- (1) Is capable of providing electricity from a non-vehicle source to charge the batteries of one or more electric vehicles;
- (2) Meets recognized standards and protocols including, but not limited to, Society of Automotive Engineers (SAE) J1772™ of SAE International and Tesla protocol; and
- (3) Is designed and installed in compliance with chapter 5D of the Hawai‘i County Code.

“Amusement and recreation facility, indoor” means an establishment providing indoor amusement or recreation. Typical uses include: martial arts studios; billiard and pool halls; electronic and coin-operated game rooms; bowling alleys; skating rinks; health and fitness establishments; indoor tennis, handball and racquetball courts; auditoriums; theaters; and indoor archery and shooting ranges.

“Amusement and recreation facility, major outdoor” means a permanent facility providing outdoor amusement and entertainment, including theme and other types of amusement parks, stadiums, skateboard parks, go-cart and automobile race tracks, miniature golf and drive-in theaters.

“Apartment house” means a multiple-family dwelling.

“Aquaculture” means the production of aquatic plant or animal life for food or fiber within ponds and other bodies of water.

“Authorized personnel” means a police officer or a person or persons authorized in writing by the director.

“Automobile service station” means a retail establishment which primarily provides gasoline, automobile accessories and service, but not including tire recapping or regrooving, body work, straightening of frames or body parts, steam cleaning, painting, welding, or storage of automobiles, except for storage of vehicles for short periods pending repair or servicing on the site and pick-up by the owner.

“Bed and breakfast establishment” means any single-family dwellings and/or guest houses (pursuant to section 25-4-9), which have been permitted on a building site, in which overnight accommodations and only breakfast meals are provided to a maximum of ten guests, for compensation, for periods of less than thirty days.

“Beginning of construction” means placing of construction materials in their permanent position, fastened in a permanent manner.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building height” means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (A) The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
- (B) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in (A) above is more than ten feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

“Building line” means a line on a building site indicating the limit beyond which buildings or structures may not be erected.

“Building site” means a parcel of land which is occupied or is to be occupied by a principal use and accessory uses or a building or group of buildings, and includes a lot and a plot.

“Building site average width” means that figure obtained by dividing the total area of a building site by the maximum depth of the building site measured in the general direction of the side lines.

“Business service” means an establishment which primarily provides goods and services to other business, including but not limited to minor job printing, duplicating, binding and photographic processing, office security, maintenance and custodial services, and office equipment and machinery sales, rentals and repair.

“Care home” means a facility which is approved by the state pursuant to chapter 346, part IV or part VIII, Hawaii Revised Statutes, as amended, to provide living accommodations and general or rehabilitative care in homes with not more than one kitchen, to accommodate unrelated children or elderly, handicapped, or disabled adults. The term includes adult residential care homes, group child care homes and other facilities for children, elderly, handicapped, developmentally disabled and totally disabled.

“Catering establishment” means an establishment primarily involved in the preparation and transfer of finished food products for immediate consumption upon delivery to off-premises destinations including, but not limited to, hotels, restaurants, airlines and social events.

“City of Hilo” means all of that portion of the district of South Hilo, County of Hawaii, which is bounded on the south side by the district of Puna; bounded on the west side by the districts of Ka‘ū and North Hilo; on the north by the ahupua‘a of Paukaa in the district of South Hilo and on the east by the sea.

“Commercial excavation” means any excavation or removal of natural materials for profit which is not related to or not occasioned by an impending development of the site of such excavation.

“Commercial parking lot and garage” means any building or parking area designed or used for temporary parking of automotive vehicles, which is not accessory to another use on the same building site and within which no vehicles are repaired.



“Commission” means either the windward planning commission or the leeward planning commission, or both acting as a joint commission, as provided for in the Charter.

“Community building” means a public or privately-owned building for civic, social, educational, cultural, and recreational activities which is not operated primarily for financial gain.

“Conforming” means in compliance with the regulations of the pertinent zoning district.

“Convenience store” means a small retail establishment intended to serve the daily or frequent needs of the surrounding neighborhood population by offering for sale pre-packaged food products, household items, newspapers and magazines, and freshly prepared foods.

“Council” means the County council.

“County environmental report” means an informational document in a form prescribed by the director in accordance with rules adopted pursuant to chapter 91, Hawai‘i Revised Statutes. The County environmental report shall contain a description of the physical, social, historical, economic, and natural resource consequences of a proposed action, including but not limited to a discussion of alternatives to the proposed action, any environmental effects which cannot be avoided should the proposal be implemented, the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, any irreversible and irretrievable commitments of natural resources which would be involved in the proposed action, and an analysis of the proposed action. The term “County environmental report” does not include a State environmental impact statement prepared in compliance with chapter 343, Hawai‘i Revised Statutes. Copies of the County environmental report shall be available to the public for inspection and written comment. Public comments on the document shall be made a part of the record of the application under consideration by the director, and made available to the council.

“Crematorium” means a business that contains a crematory or a place to incinerate a decedent. It may also contain a morgue or funeral home, and may provide funeral services.

“Crop production” means agricultural and horticultural uses, including, but not limited to, production of grains, field crops, vegetables, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms.

“Day care center” means a facility which is licensed or approved by the State, pursuant to chapter 346, part IV or part VIII, Hawai‘i Revised Statutes, as amended, where persons who are not members of the family occupying the premises are cared for without overnight accommodations. This term includes day nurseries, preschools, and kindergartens which are not licensed by the State department of education and adult day care centers.

“Data processing facility” means an establishment primarily involved in the compiling, storage and maintenance of documents, records and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer-related sales establishments, and business or personal services.

“De minimis structure position discrepancy” means a difference between the distance from a property boundary required by the zoning code for a yard or open space and the actual distance, of not more than the following:

- (a) For property zoned Multiple-Family Residential (RM), Residential-Commercial Mixed Use (RCX), Resort-Hotel (V), Neighborhood Commercial (CN), General Commercial (CG), Village Commercial (CV), Industrial-Commercial Mixed (MCX), Limited Industrial (ML), General Industrial (MG), Downtown Hilo Commercial (CDH), or within a Planned Unit Development (PUD), Cluster Plan Development (CPD), or Project District (PD): 0.25 feet;
- (b) For property zoned Single-Family Residential (RS) or Double-Family Residential (RD): 0.5 feet;
- (c) For property zoned Residential and Agricultural (RA), Family Agricultural (FA), Agricultural (A), Intensive Agricultural (IA), or Agricultural Project District (APD): 0.75 feet.

“Density” means the number of dwelling units or rentable units for a particular unit of gross land area.

“Direct current fast charger” means an electric vehicle charger that:

- (1) Utilizes direct current electricity providing at least fifty kilowatts or greater;
- (2) Is network-capable;
- (3) Meets recognized standards and protocols, including but not limited to SAE Combined Charging System, Tesla protocol, and CHAdeMO protocol;
- (4) Is safety certified by a nationally recognized testing laboratory;
- (5) Is designed and installed in compliance with chapter 5D of the Hawai‘i County Code; and
- (6) Contains ports to support at least two industry standard charging protocols for more equitable distribution and access to charging.

“Director” means the director of the planning department.

“Duplex” and “double-family dwelling” means a building containing only two dwelling units.

“Dwelling” means a building or part thereof designed for or used for residential occupancy or both and containing one or more dwelling units, and includes double-family dwelling or duplex, mobile dwelling, multiple-family dwelling and single-family dwelling.

“Dwelling unit” means one or more rooms designed for or containing or used as the complete facilities for the cooking, sleeping and living area of a single-family only and occupied by no more than one family and containing a single kitchen.

“Electric vehicle” means:

- (1) A neighborhood electric vehicle as defined in this section;
- (2) A vehicle, with four or more wheels, that draws propulsion energy from a battery with at least four kilowatt hours of energy storage capacity that can be recharged from an external source of electricity; or
- (3) A fuel cell electric vehicle.”

“Electric vehicle charging system” means a system that:

- (1) Is capable of providing electricity from a non-vehicle source to charge the batteries of one or more electric vehicles;
- (2) Meets recognized standards, including standard SAE J1772 of SAE International; and
- (3) Is designed and installed in compliance with chapter 5D of the Hawai‘i County Code;

provided that the term shall not include facilities or systems for refueling the hydrogen storage tank of a fuel cell electric vehicle.

“Energy-saving device” means any facility, equipment, apparatus or the like which makes use of nonfossil fuel sources for lighting, heating or cooling or which reduces the use of other types of energy dependent on fossil fuel for generation.

“Environmental impact statement” means an informational document prepared in compliance with chapter 343, Hawai‘i Revised Statutes, and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic and social welfare of the community and state, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

“Erected” means constructed, reconstructed, altered, placed, or moved.

“Family” means an individual or two or more persons related by blood, state-sanctioned adoption, foster parentage, guardianship or marriage, or a group of not more than five unrelated persons (excluding servants), occupying a dwelling unit.

“Family child care home” means a private residence licensed or approved by the state pursuant to chapter 346, part VIII, Hawai‘i Revised Statutes, as amended, at which care or the responsibility for the supervision, development, safety and protection is provided for a limited number of children, who are living in the residence apart from the parent or guardian.

“Farm” means land used for the purpose of agricultural, livestock, poultry, or aquatic production.

“Farm dwelling” means a single-family dwelling located on or used in connection with a farm, or if the agricultural activity provides income to the family occupying the dwelling.

“Farmers market” means an area, open or partially enclosed, at which vendors gather to sell personal property. The activity may also be referred to as an “open or open air market.”

“Flag lot” means a building site consisting of an access drive and a body in such a manner that the body would be landlocked from a public street or private way except for connection by the access drive.

“Floor area, gross” means the total area of all floors of a building including a basement measured along the exterior walls of such building.

“Floor area, net” means the total gross floor area of all buildings occupying a building site exclusive of floor area permanently allocated for parking or loading spaces.

“Food manufacturing and processing facility” means an establishment primarily involved in the manufacture and processing of food products, other than an animal products processing establishment. Typical activities include, but are not necessarily limited to, noodle factories, and coffee grinding.

“Frontage” means that portion of a building site which abuts a road, street, or highway.

“Fuel cell electric vehicle” means a zero-emission electric vehicle that uses a fuel cell to convert hydrogen gas and oxygen into electricity that is used in a vehicle powertrain for propulsion.

“Funeral home” or “funeral parlor” means a business establishment where the bodies of the dead are prepared for burial or cremation and religious or memorial services can be held.

“Funeral services” means an assortment of services provided by mortuaries, crematoriums, and funeral homes that may provide for: the sale of pre-death final expenses insurance, sale of caskets or closed containers for cremains, coordination for burials of caskets and cremains, embalming, viewings, storage and transportation of the decedent or cremains, funeral planning, religious or memorial services, and completion of death certificates and other legal documents.

“Future width lines” means lines established on the zoning map, for purposes of future widening of an existing street and establishing the front property line of an affected building site. The area within these lines or between a future width line and an existing street right-of-way line, shall be deemed to be a street right-of-way, and cannot be considered in computing the minimum yard required on any building site.

“Group living facility” means a 24-hour residential facility licensed or certified, and monitored by the State of Hawai‘i’s Department of Health (DOH) or Department of Human Services (DHS), for persons covered under the Fair Housing Act, as amended, containing between six and eight unrelated adults and/or children, plus unrelated home operator or staff who shall not be included in the resident count.

- (a) The purpose of this definition is to provide housing to protected and targeted populations that require therapeutic, medicinal, life skills training, or other support systems. These facilities shall be integrated into a variety of neighborhoods while maintaining the integrity and character of the neighborhood(s), to promote a non-institutional environment and provide the maximum therapeutic and beneficial value to residents of a group living facility.
- (b) Unless a use permit or special permit is obtained:
  - (1) A group living facility shall have no more than eight residents;
  - (2) Only one group living facility per tax map key parcel;
  - (3) No other such licensed or certified dwelling shall be located within 500 feet of the perimeter of any tax map key parcel containing any other group living facility, with the exception of an adult residential care home or an intermediate care facility/mental retardation community (ICF/MR-C).
- (c) A group living facility in existence on the effective date of this ordinance may continue in operation despite non-compliance with the criteria contained in the definition of “group living facility” for a maximum of 15 months from the effective date of this ordinance to allow the group living facility to come into compliance with said criteria or to obtain a use permit or special permit.

“Guest house” means an accessory building used as sleeping quarters for guests of the occupants of the main dwelling and having no cooking facilities.

“Guest ranch” means an establishment with its surrounding land which offers recreational facilities for activities such as riding, swimming and hiking, and living accommodations.

“Home improvement center” means a single establishment primarily involved in providing a large variety of goods and services directly associated with building and home improvements.

“Home occupation” means any activity intended to provide income that is carried on within a dwelling, within an accessory structure to a dwelling, or on a portion of a building site used principally for dwelling purposes.

“Hospital” means an institution in which patients or injured persons are given medical or surgical care, and unless otherwise modified, the term is limited to the care of persons only.

“Hotel” means a building or group of buildings containing six or more rooms or suites which provides transient lodging accommodations, meals, entertainment, and various personal services for compensation, whether such establishment is called a hotel, motel, motor hotel, motor lodge, inn, or otherwise.

“Junkyard” means an outdoor or partially enclosed area, more than two hundred square feet in size, used for storage or keeping of junk, scrap, or nonhazardous waste materials, or for dismantling or wrecking vehicles or machinery or for storage of parts resulting therefrom.

“Kennel” means a commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. The term includes animal quarantine stations.

“Kitchen” means a room or a portion of a room designed to be used for the preparation of food and containing at least one item from both of the following categories:

- (A) Fixtures, appliances or devices for heating or cooking food; and
- (B) Fixtures, appliances or devices for washing utensils used for dining and food preparation and/or for washing and preparing food.

“Land use” means use of land, building use and use of any building.

“Livestock” means all animals generally associated with farming, which are raised or kept for food and other agricultural purposes. Such animals include horses, cattle, goats, sheep, chickens, ducks, geese and other poultry and swine.

“Livestock production” means a distinct agricultural operation or establishment which keeps, feeds, or raises livestock for commercial purposes and as a principal land use. These include piggeries, dairies, dairy and beef cattle ranching, feedlots, chicken, turkey and other poultry farms, rabbit farms, apiaries and aviaries.

“Lodge” means a building or group of buildings, under single management, containing transient lodging accommodations without individual kitchen facilities, and no more than forty guest rooms or suites, and generally located in agricultural, rural or other less populated areas.

“Lot” means a building site or a parcel of land shown as a unit on an approved subdivision map, or a survey map.

“Lot line” means any boundary of a building site or property line, and includes:

- (A) “Interior lot line” which is any lot line other than the street frontage.
- (B) “Rear lot line” which is the lot line that is generally opposite the street frontage.

“Lot width” means that figure obtained by dividing the total area of a building site by the maximum depth of the building site measured in the general direction of the side lines.

“Main building” means a building in which is conducted a principal or main use on the building site on which it is situated.

“Manufacturing, processing and packaging, general” means activities which are the main purpose of establishments primarily involved in the manufacture, processing, assembly, fabrication, refinement, alteration and/or other end products suitable for sale or trade. General manufacturing, processing and packaging establishments are those involving significant mechanical and chemical processes, large amounts of metal transfer, or extended shift operations. Typical activities include, but are not limited to: paper and textile milling; wood millwork and the production of prefabricated structural wood products; the manufacture of soaps and detergents; rubber processing and the manufacture of rubber products; the production of plastics and other synthetic materials; primary metals processes; the manufacture of vehicles; machinery and fabricated metal products; electroplating; cement making and the production of concrete; gypsum and related products; the production of chemical products; perfumes and pharmaceuticals; and the production of paving and roofing materials. General manufacturing does not include those activities associated with petroleum processing; the manufacture of explosives and toxic chemicals; waste disposal and processing; and/or the processing of salvage, scrap and junk materials.

“Manufacturing, processing and packaging, light” means activities which are the main purpose of establishments primarily involved in the manufacture, processing, assembly, fabrication, refinement, alteration and/or other end products suitable for sale or trade. Light manufacturing, processing and packaging establishments involve activities which are non-offensive to adjacent uses; involve no open storage or other types of outdoor accessory uses other than parking and loading; do not involve processes which generate significant levels of heat, noise, odors and/or particulates; and do not involve chemicals or other substances which pose a threat to health and safety. Typical activities include, but are not limited to, the production of handcrafted goods, electronics-intensive equipment, components related to instrumentation and measuring devices, bio-medical and telecommunications technologies, computer parts and software, optical and photographic equipment, and other manufacturing, processing and packaging uses meeting the criteria prescribed herein.

“Medical clinic” means an office building or group of offices for persons engaged in the practice of a medical or dental profession or occupation. A medical clinic does not have beds for overnight care of patients but can involve the treatment of outpatients. A “medical profession or occupation” is any activity involving the diagnosis, cure, treatment, mitigation or prevention of disease or which affects any bodily function. This includes massage, acupuncture, chiropractic, and other similar health service facilities.

“Meeting facility” means a permanent facility for nonprofit recreational, social or multi-purpose use, which has no overnight accommodations, and which may be for organizations operating on a membership basis for the promotion of members’ mutual interests or may be primarily intended for community purposes. Typical uses include private clubs, union halls, community centers, and student centers.

“Mobile dwelling” means a structure or vehicle containing one or more dwelling units designed so as to be transportable either by being carried or towed or under its own power, whether or not the wheels, skids or other devices for transportability are actually in place.

“Mortuary” means a business used to prepare a decedent before burial or cremation. It may also contain a morgue, funeral home, or crematory, and may provide funeral services.

“Multiple-family dwelling” means a building containing more than two dwelling units.

“Neighborhood electric vehicle” means a self-propelled electrically powered motor vehicle to which all of the following apply:

- (1) The vehicle is emission free;
- (2) The vehicle is designed to be and is operated at speeds of twenty-five miles per hour or less;
- (3) The vehicle has four wheels in contact with the ground;
- (4) The vehicle has a gross vehicle weight rating of less than three thousand pounds; and
- (5) The vehicle conforms to the minimum safety equipment requirements as adopted in the Federal Motor Vehicle Safety Standard No. 500, Low Speed Vehicles (49 C.F.R. 571.500).”

“Networked” refers to electric vehicle charging systems that are able to connect to the internet.

“Nonconforming building or parcel” means a building or parcel lawfully in existence on September 21, 1966 or on the date of any amendment to this chapter, but which does not comply with the regulations for the zoning district in which it is located.

“Nonconforming use” means a use lawfully in existence on September 21, 1966 or on the date of any amendment to this chapter, but which does not conform to the regulations for the zoning district in which it is located.

“Ohana dwelling” means a second dwelling unit permitted to be built as a separate or an attached unit on a building site, but does not include a guest house or a farm dwelling.

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

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

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

“Place of public accommodation” means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the general public as customers, clients, or visitors. By way of example, but not of limitation, place of public accommodation includes facilities of the following types:

- (1) A facility providing services relating to travel or transportation;
- (2) An inn, hotel, motel, or other establishment that provides lodging to transient guests;
- (3) A restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises of a retail establishment;
- (4) A shopping center or any establishment that sells goods or services at retail;
- (5) An establishment licensed under chapter 281, Hawai‘i Revised Statutes, doing business under a class 4, 5, 7, 8, 9, 10, 11, or 12 license, as defined in section 281-31, Hawai‘i Revised Statutes;
- (6) A motion picture theater, other theater, auditorium, convention center, lecture hall, concert hall, sports arena, stadium, or other place of exhibition or entertainment;
- (7) A barber shop, beauty shop, bathhouse, swimming pool, gymnasium, reducing or massage salon, or other establishment conducted to serve the health, appearance, or physical condition of persons;
- (8) A park, a campsite, or trailer facility, or other recreation facility;
- (9) A comfort station; or a dispensary, clinic, hospital, convalescent home, or other institution for the infirm;
- (10) A professional office of a health care provider, as defined in section 323D-2, Hawai‘i Revised Statutes, or other similar service establishment;
- (11) A mortuary or undertaking establishment; and
- (12) An establishment that is physically located within the premises of an establishment otherwise covered by this definition, or within the premises of which is physically located a covered establishment, and which holds itself out as serving patrons of the covered establishment.

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

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

“Plug” means an accessory to an electric vehicle charging system capable of charging a single electric vehicle and compatible with alternating current Level 2 charging stations or direct current fast charger protocols.



“Primary airport” means a publicly owned airport that has more than 10,000 passenger boardings each calendar year, as defined by the Federal Aviation Administration (FAA). Standard accessory uses for Primary Airports include, but are not limited to, retail establishments for shopping including duty-free shops, dining establishments that may be consolidated in food courts, automobile rentals, service businesses, offices, conference centers and hotels. The accessory uses must be located on publicly owned lands and support airport operations.

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

“Reachable” means being able to:

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

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

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

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

- (A) Blacksmith.
- (B) Boat cleaning and repair.
- (C) Electrical, gasoline and diesel motor repair and rebuilding.
- (D) Furniture repair.
- (E) Industrial machinery and heavy equipment repair.
- (F) Vehicular repair, including repair of body and fender, and straightening of frame and body parts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2000, ord 00-152, sec 1; am 2002, ord 02-70, sec 2; am 2007, ord 07-55, sec 1; ord 07-104, sec 2; am 2008, ord 08-155, sec 2; am 2009, ord 09-118, sec 17; am 2012, ord 12-28, sec 2; am 2018, ord 18-114, sec 3; am 2020, ord 20-61, sec 9; ord 20-94, sec 2; am 2021, ord 21-26, sec 2; 2022, ord 22-95, sec 3.)

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

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

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

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

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

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

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

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

- (20) Rooming and lodging houses, religious, fraternal or social orders having sleeping accommodations: one for each two beds.
  - (21) Schools (elementary and intermediate): one for each twenty students of design capacity, plus one for each four hundred square feet of office floor space.
  - (22) Schools (high, language, vocational, business, technical and trade, college): one for each ten students of design capacity, plus one for each four hundred square feet of office floor space.
  - (23) Sports arenas, auditoriums, theaters, assembly halls: one for every four seats.
  - (24) Swimming pools (community): one for each forty square feet of pool area.
  - (25) Warehouse and bulk storage establishments where there is no trade or retail traffic: one for each one thousand square feet of gross floor area.
- (b) No additional parking is required for any change of use in a building as long as the previous use of the building had the required number of parking stalls for that use; provided, that additional parking may be required for a change of use in any building where the building is converted from residential to commercial use or from warehouse and manufacturing use to retail or commercial use.
  - (c) Where uses and activities do not occur simultaneously, parking space requirements may be shared, provided that:
    - (1) The utilization of the combined parking is shown to the satisfaction of the director to be noncompeting as to time of use;
    - (2) The number of parking spaces is based on the largest parking requirement of those respective facilities;
    - (3) The parking areas are not more than one thousand feet from any of the buildings housing the activities; and
    - (4) The parking areas are encumbered for that use for the life of the facilities being served.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 10; am 2012, ord 12-91, sec 3; am 2013, ord 13-95, sec 1; am 2014, ord 14-85, sec 2; am 2017, ord 17-31, sec 2; am 2021, ord 21-26, sec 4.)

**Section 25-4-52. Method of determining number of parking spaces.**

- (a) When computation of required parking spaces results in a fractional number, the number of spaces required shall be the next highest whole number.
- (b) In stadiums, sports arenas, meeting facilities, and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-four inches of width shall be counted as a seat for the purpose of determining requirements for off-street parking.
- (c) If bicycle parking stalls are constructed on any building site, the total number of required parking spaces shall be reduced by one parking space for every five bicycle parking stalls constructed.
- (d) At least sixty-seven percent of the required parking shall be standard-sized parking spaces, and thirty-three percent may be compact spaces.
- (e) The director may increase the required number of parking spaces for any use during plan approval if the director reviews the proposed use and its impact to the immediate area and finds that the increase will further the public safety, convenience and welfare.

- (f) If there is any doubt as to the requirements for off-street parking for any use not specifically mentioned or for any other reason, the director shall determine the required number of parking spaces for such use.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-53. Minimum dimensions of parking spaces.**

- (a) Standard-sized automobile parking spaces shall be at least eighteen feet in length and eight feet six inches in width, with curbside parallel spaces at least twenty-two feet in length.
- (b) Compact spaces shall be at least sixteen feet in length and seven feet six inches in width, with curbside parallel spaces at least eighteen feet in length.
- (c) Minimum aisle widths for parking bays shall be provided in accordance with the following:

Angle of Parking to Curb	Minimum Width
to 0° (parallel)	12'
to 45°	14'
to 60°	18'
to 90° (perpendicular)	24'

- (d) Parking spaces may have a three-foot unpaved car overhang area.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-54. Standards and improvements to off-street parking spaces.**

- (a) All parking spaces shall be arranged so as to be individually accessible.
- (b) Except for one duplex dwelling or two single-family dwellings on any single building site, access to any individual parking space shall not be directly from or to a street but must be reached from an on-site access driveway of proper design and width to allow for passage of vehicles and necessary turning movements.
- (c) In V, CN, CG, CV, MCX, ML, MG, RD, RM and RCX districts, parking spaces shall be paved.
- (d) For any permitted use in the RS, RA, FA, A or IA districts, the pavement of parking spaces is not required, and any material may be used for the parking spaces that will eliminate erosion, mud and standing water.
- (e) For any parking space containing a building column, that column may intrude six inches into the required width, provided that the building column shall not be located at the entry of the parking space. A wall shall not be considered a building column.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-54.1. Parking for electric vehicles; electric vehicle charging systems.**

- (a) All applications for plan approval for new places of public accommodation shall be subject to the following electric vehicle charger installation and dedicated, standard size, parking space requirements, for each increment of fifty parking stalls:
- (1) Networked alternating current Level 2 charger(s) with a total of at least two plugs and two dedicated parking stalls for applications received by December 31, 2023;
  - (2) Networked alternating current Level 2 charger(s) with a total of at least four plugs and four dedicated parking stalls for applications received by December 31, 2025;
  - (3) Networked alternating current Level 2 charger(s) with a total of at least six plugs, and six dedicated parking stalls for applications received by December 31, 2027; and
  - (4) Networked alternating current Level 2 charger(s) with a total of at least eight plugs and eight dedicated parking stalls for applications received by December 31, 2029.
- (b) All applications for plan approval for existing places of public accommodation shall be subject to the following electric vehicle charger installation and dedicated, standard size, parking space requirements, for each increment of fifty parking stalls:
- (1) Networked alternating current Level 2 charger(s) with a total of at least two plugs and two dedicated parking stalls for applications received by December 31, 2025;
  - (2) Networked alternating current Level 2 charger(s) with a total of at least four plugs and four dedicated parking stalls for applications received by December 31, 2027;
  - (3) Networked alternating current Level 2 charger(s) with a total of at least six plugs, and six dedicated parking stalls for applications received by December 31, 2029; and
  - (4) Networked alternating current Level 2 charger(s) with a total of at least eight plugs and eight dedicated parking stalls for applications received by December 31, 2031.
- (c) Existing places of public accommodation not subject to subsection (b) shall comply with section 291-71, Hawai'i Revised Statutes, by December 31, 2025 and are otherwise subject to the other provisions of this section.
- (d) All existing electric vehicle chargers must be actively maintained in good working order.
- (e) A dedicated parking space must be provided for each electric vehicle plug. Dedicated parking spaces for electric vehicle charging must be clearly marked and include signage that states that parking is only for electric vehicles that are actively charging.

- (f) At least one of the parking spaces designated for electric vehicles shall be an accessible stall as defined by the Americans with Disabilities Act. This space shall not displace or reduce other accessible stalls required by the Americans with Disabilities Act.
- (g) Electric vehicle charging stations shall only be required to be available for use by the public during such times as the place of public accommodation is also open for public use.
- (h) Site owners are not precluded from charging a fee for the use of the charging station or additional fees should a vehicle remain in the space after charging has been completed.

(2022, ord 22-95, sec 4.)

**Section 25-4-54.2. Alternatives and exemptions; parking for electric vehicles; electric vehicle charging systems.**

- (a) For each set of eight plugs required under the applicable subsection of section 25-4-54.1, the requirements may alternatively be met by one direct current fast charger, provided that there is at least one Level 2 compatible plug for each requirement of eight plugs.
- (b) Places of public accommodation shall be exempted from the applicable requirements of section 25-4-54.1 if:
  - (1) Documentation is provided by a qualified professional or the public electric utility verifying the lack of established electrical service or adequate electrical infrastructure to provide electrical service capable of supporting alternating current Level 2 charging stations.
  - (2) The location is identified as being in the highest flood risk zone as established by the Federal Emergency Management Agency's Digital Flood Insurance Rate Map.
- (c) Owner(s) of multiple parking facilities within the State of Hawai'i who intend to use the aggregation allowance in section 291-71, Hawai'i Revised Statutes, shall provide the director with documentation to demonstrate that the electric vehicle charging requirements have been met at the time of application for plan approval.

(2022, ord 22-95, sec 4.)

**Section 25-4-55. Parking for persons with disabilities.**

Parking for persons with disabilities shall comply with all applicable federal and state requirements for the facility or site.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2016, ord 16-98, sec 1.)



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'ōwali, North Kona	7-2-004:027	A-5a	FA-2a	
(76)	16-99	10-24-2016	Kaloko, North Kona	7-3-048:001	A-20a	A-10a	
(77)	19-4	01-25-19	Kaloko, North Kona	7-3-027:007	(Amends Ord. 05-66) (Effective Date 05-16-05)		
(78)	20-34	05-01-20	Kaloko, North Kona	7-3-025:002	A-20a	A-5a	
(79)	22-87	08-03-22	Kaloko, North Kona	7-3-024:008	(Amends Ord. 06-82) (Effective Date 06-16-06)		

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(51)	92-119	10-29-1992	Kealakekua, South Kona	8-2-15:Por. 227-9-2:Por. 3, 4, and 5; 8-1-04:Por. 3	CN-7.5 A-5a, U	RS-10 A-1a	
(52)	94-73	6-28-1994	Honua'ino 3rd and 4th, Hōkūkano 1st and 2nd, Kanāueue 1st and 2nd, Ilikahi, Kanakau 1st and 2nd, Kalukalu 1st, 2nd and 3rd, Onouli 1st, North and South Kona				
(53)	95-01	12-30-1994	Keekee 2nd, South Kona	8-1-03:34 and Por. 50	A-5a	A-1a	
(54)	96-07	1-15-1996	Honua'ino 3rd and 4th, Hōkūkano 1st and 2nd, Haleki'i, Keekee 1st and 2nd, Ilikahi, Kanakau 1st and 2nd, Kalukalu 1st, 2nd and 3rd and Onouli 1st, North and South Kona	7-9-12:14, 11, Por.3; 8-1-4: Por. 3	U	A-1a	
(55)	96-08	1-15-1996	Honua'ino 3rd and 4th, Hōkūkano 1st and 2nd, Kanāueue 1st and 2nd, Haleki'i, Keekee 1st and 2nd, Ilikahi, Kanakau 1st and 2nd, Kalukalu 1st, 2nd and 3rd and Onouli 1st, North and South Kona	7-9-06:Por. 1; 7-9-12:Pors. 3, 4, and 5; 8-1-04:Por. 3	A-5a, U	A-1a	
(56)	97-36	3-13-1997	Kalukalu 1st, 2nd and 3rd, South Kona	8-1-04:Por. 3	A-1a	V-6.0	
(57)	97-98	7-14-1997	Kaha'uloa 2nd, South Kona	8-2-08:57	A-5a	FA-1a	
(58)	97-133	10-23-1997	Ka'awaloa, South Kona	8-1-9:18, 19, 21, Pors. 20, 22, 23, 24	A-5a	APD	
(59)	98-19	2-24-1998	Kanakau 1st and 2nd and Kalukalu 1st-3rd, South Kona	8-1-4:Por. 52	RS-15	CV-7.5	
(60)	00-120	10-12-00	Keekee 2nd, South Kona	8-1-3: Pors. 34 and 50	A-1a, A-5a	RS-10	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(61)	03-38	3-6-03	Waipunaula, South Kona	8-2-3:31	A-5a	RA-1a	
(62)	03-93	6-18-03	Kalukalu 1st, South Kona	8-1-2:Por. of 40	RS-15 and A-1a	CV-10	
(63)	03-94	6-18-03	Keōpuka, South Kona	8-1-7:10	A-5a	FA-3a	
(64)	04-145	12-8-04	Puaa 2nd, North Kona	7-5-9:40	RM-1	V-1	
(65)	08-150	11-5-08	Kealakekua, South Kona	8-2-13:Por. of 2	(Amends Ord. 465) (Effective Date 8-29-1979)		
(66)	10-107	11-4-10	Haleki'i and Kanāueue, South Kona	8-1-025:011	RS-15	CN-20	
(67)	12-140	10-25-12	Kealakekua, South Kona	8-2-13:Por. of 2	(Amends Ord. 08-150) (Effective Date 11-5-2008)		
(68)	22-109	11-4-22	Kealakekua, South Kona	8-1-008:004	A-1a	RS-10	

ZONING MAP No. 7.11--(Hāmākua District)

§ 25-8-15

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	86-12	2-24-1986	Waikoekoe, Hamakua	4-7-07:48	A-40a	A-20a	
(2)	86-13	2-24-1986	Waikoekoe, Hamakua	4-7-07:39	A-40a	A-35a	
(3)	90-26	4-9-1990	Waikoekoe, Hamakua	4-8-06:Por. 35	A-40a	RS-15	
(4)	91-132	12-27-1991	Hamakua	Numerous	A-5a, A-20a, A-40a	A-20, 000a	
(5)	91-133	12-26-1991	Kea, Puopaha, Kalakalaula, Kukuihaele, Waikoekoe, Lalakea, Kanahonua, Hamakua	4-8-01:4 and 5, 4-8-02:4 and Por. 5, 4-8-03:Por. 6, 4-8-04:1, 2 and Por. 3, 4-8-05:1, 3, 4, 5, 6 and Por. 2, 4-8-06:2, 4-8-08: 1, 2, 19 and 23	A-40a	V-13, CV-10, A-1a, A-3a, O	
(6)	91-134	12-26-1991	Kanahonua, Waikoekoe, Kea, Puopaha, Kalakalaula, Hamakua	4-8-01:Por. 4, 4-8-06:43, 44 and Pors. 1 and 11	A-40a	CV-10, RM-5 RM-10, A-1a	
(7)	92-84	7-22-1992	Waikoekoe, Hamakua	4-8-06:Por. 35	(Amends Ord. 90-26) (Effective Date 4-9-1990)		
(8)	94-63	6-8-1994	Waikoekoe and Kanahonua, Hamakua	4-8-06:13, 43, Por. 9, 11 and 44	RS-15, A-40a	V-43, RS-7.5, RS-15, V-18, V-43, A-1a	
(9)	01-22	3-6-2001	Waikoekoe and Kanahonua, Hamakua	4-8-6:3, 13 and Por of 44.	RS-15, V-43	V-25	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(10)	01-79	9-24-2001	Waikoeke and Kanahonua, Hāmākua	4-8-06:43 and Pors. of 9 and 11	RS-15, V-18, V-43, A-1a	A-40a	
(11)	06-81	6-16-2006	Waikoeke, Hāmākua	4-7-007:048	A-20a	FA-3a	
(12)	17-16	2-17-2017	Kukuihaele, Waikoeke, Hāmākua	4-8-006:003, 4-8-006:013 and 4-8-006:069	V-25 and A-40a	RS-10a and RS-5a	
(13)	22-114	11-17-2022	Honoka‘a, Hāmākua	4-5-010:136, and 4-5-024:010	RS-10	RS-15	

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

§ 25-8-19

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	377	3-15-1971	Kihalani, North Hilo	3-5-05:03	A-20a	RS-10	7.15(a)
(2)	28	4-29-1974	Kihalani Homesteads, North Hilo	3-5-04:25	A-20a	RS-10	7.15(b)
(3)	166	10-31-1975	Papaalooa, North Hilo	3-5-03:Pors. 27 and 72, 3-04:Pors. 7 and 5	A-20a	RS-10	7.15(c)
(4)	393	11-13-1978	Waikaumalu-Maulua, North Hilo	3-2-02:Por. 41	A-20a	A-1a	7.15(d)
(5)	85-13	2-25-1985	Kihalani Homesteads, North Hilo	32-5-04:25	RS-10	RA-1a	
(6)	85-33	4-22-1985	Kapena, North Hilo	3-2:Por. 41	A-20a	A-1a, A-5a	
(7)	91-132	12-27-1991	North Hilo	32-9-01:3, 3-9-02:9	A-5a, A-20a A-40a	A-20,000a	
(8)	99-48	5-4-1999	Papaalooa, North Hilo	3-5-3:Pors. of 27 and 75 and 3-5-4:Por. of 8	RS-10	A-10a A-20a	
(9)	03-26	2-20-2003	Manowai'opae, Homesteads, North Hilo	3-5-4:77	A-20a	RA-1a	
(10)	14-04	1-27-2014	Waipunalei, North Hilo	3-6-005:003	A-20a	A-5a	
(11)	18-95	10-01-2018	Pāpa'alooa, North Hilo	3-5-004:023	A-20a	A-5a	
(12)	19-88	08-08-2019	Kihalani, North Hilo	3-5-004:030	A-20a	A-5a	
(13)	22-122	12-05-2022	'O'ōkala, North Hilo	3-9-001:023 and 031	A-20a	FA-1a	

**ZONING MAP No. 7.16--(‘O‘ōkala)**

**§ 25-8-20**

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



Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(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	
(43)	22-106	10-27-2022	Kea'au, Puna	1-6-141:002	(Amends Ord. 17-65) (Effective date 9-29-2017)		

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	
(10)	21-31	5-3-2021	‘Ōla‘a, Puna	1-8-002:064	(Repeals Ord. 12-128) (Effective date 9-27-2012)		
(11)	22-22	3-8-2022	‘Ōla‘a Summer Lots, Puna	1-9-004:051	RS-20	CV-10	

## ZONING MAP No. 7.21--(Kea'au)

## § 25-8-25

Para- graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	268	10-15-1969	Kea'au, Puna	1-6-03:61	RS-15	RS-10	7.21(a)
(2)	39	6-18-1974	Kea'au, Puna	1-6-144:42	RS-15	RS-10	7.21(b)
(3)	286	6-22-1977	Kea'au, Puna	1-6-144:Por. 1	RS-15, A-20a	RS-10	7.21(c)
(4)	85-41	5-22-1985	Kea'au, Puna	1-6-143:19, 20 and Por. 22	ML-20	RS-10	
(5)	89-32	2-23-1989	Kea'au, Puna	1-6-02:2, 3, 4, 6, 7, 24 and 84, 1-6-03:Por. 11	RS-10, ML-20	CV-10, RS-10	
(6)	98-28	3-25-1998	Kea'au, Puna	1-6-143:38	RS-15	CV-10	
(7)	22-88	8-03-2022	Kea'au, Puna	1-6-002:082	RS-10	CV-10	

## ZONING MAP No. 7.22--(Pāhoā)

## § 25-8-26

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	159	10-16-1968	Nanawale Homesteads, Puna	1-5-11:22 and 23	RS-10	CV-10	7.22(a)
(2)	494	8-1-1972	Nanawale Homesteads, Pāhoā, Puna	1-5-11:14	RS-10	CV-10	7.22(b) Repealed by Ord. 226, 10-14-1976
(3)	590	6-27-1973	Kaniahiku Homesteads, Kaniahiku, Puna	1-5-115:14	A-1a	RA-5a	7.22(c)Am. By Ord. 578, 6-3-1980
(4)	94	3-11-1975	Waiakahiula, Puna	1-5-02:Por. 2	RS-10	CV-10, RM-2	7.22(d-1 to d-2)
(5)	132	7-29-1975	Keonepoko, Homesteads, Keonepoko, Iki, Puna	1-5-07:3	A-1a	RS-10	7.22(e)
(6)	222	9-9-1976	Nanawale Homesteads, Puna	1-5-11:15	RS-10	CV-10	7.22(f)
(7)	226	10-14-1976	Nanawale Homesteads, Pāhoā, Puna	1-5-11:14	RS-10	CV-10	7.22(b) Repeals Ord. 494, 8-1-1972
(8)	556	4-21-1980	Nanawale Homesteads, Puna	1-5-11:12	RS-10	CV-10	7.22(g)
(9)	668	2-10-1981	Waiakahiula, Puna	1-5-13:25	RS-15	CV-10	7.22(h)
(10)	706	8-31-1981	Waiakahiula, Puna	1-5-13:35	RS-15	CV-10	7.22(i)
(11)	86-81	7-22-1986	Waiakahiula, Puna	1-5-13:35	(Amends Ord. 706) (Effective Date 8-31-1981)		

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(11)	97-14	2-20-1997	Hakalau Nui, South Hilo	2-9-52 — 60; 2-9-4:87 — 91	A-20a	A-10a	
(12)	00-78	7-18-2000	Puueo, South Hilo	2-6-08:17, 26, 27, 29, 36, 39, Pors. 28, 31, 32, 33, 34, 37, 38; 2-6-29: 14, 15	(Repeals Ord. 96-48) (Effective Date 5-2-1996)		
(13)	05-105	6-17-2005	Kalalau, South Hilo	2-6-8:Por. of 22 and 2-6-9:Por. of 8	A-20a and RM-1	RM-10 and A-20a	
(14)	06-27	2-24-2006	Kūkūau 1st, South Hilo	2-4-8:33	Unzoned	A-80a	
(15)	22-100	10-4-2022	Ainaola, South Hilo	2-4-039:025	A-3a	RS-15	

ZONING MAP No. 7.29--(City of Hilo)

§ 25-8-33

Paragraph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	269	10-22-1969	Waiākea, South Hilo	2-2-32:Por. 24	ML-20	CN-10	7.29(a)
(2)	276	11-26-1969	Waiākea, South Hilo	2-2-32:11 and 20	O	ML-20	7.29(c)
(3)	288	12-15-1969	Waiākea Homesteads, South Hilo	2-4-46	A-3a	A-1a	7.29(b)
(4)	302	2-27-1970	Waiākea, South Hilo	2-2-21:40	CO-20	CG-7.5	7.29(d)
(5)	314	5-12-1970	Waiākea, South Hilo	2-2-23:21 and 27	CO-20, RD-3.75	CG-7.5	None Found
(6)	466	4-24-1972	Kukuau 1st, South Hilo	2-4-01:31, 2-4-08:20	RS-7.5	RM-4	7.29(f)
(7)	480	6-27-1972	Waiākea Homesteads, Waiākea, South Hilo	2-4-03:23	A-3a	RS-15	7.29(g)
(8)	482	7-18-1972	Waiākea Homesteads, Waiākea, South Hilo	2-4-03:37	A-1a	RS-15	7.29(h)
(9)	487	8-1-1972	Ponahawai, South Hilo	2-3-36:Por. 18, 2-3-37:6	A-1a	RS-7.5	7.29(i)
(10)	533	11-2-1972	Waiākea Houselots, Waiākea, South Hilo	2-2-35:69	O	ML-20	7.29(j)
(11)	536	11-14-1972	Waiākea, South Hilo	2-2-28:17	RD-3.75	RM-1	7.29(l)

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(424)	19-17	02-20-19	Waiākea, South Hilo	2-4-057:029; Por. 030 & Por. 031 (Formerly 2-4-057:001)	(Amends Ord. 07-26) (Effective Date 3-20-07)		
(425)	19-26	03-25-19	Waiākea, South Hilo	2-2-023:012	(Amends Ord. 97-13) (Effective Date 2-20-97)		
(426)	19-27	03-25-19	Waiākea Homesteads 1st Series, Waiākea South Hilo	2-4-021:059	RS-15	RS-10	
(427)	19-28	03-25-19	Waiākea House Lots, Waiākea South Hilo	2-2-034:086	RS-10	CN-20	
(428)	19-34	04-08-19	Waiākea House Lots 2nd Series, Waiākea South Hilo	2-2-024:003	RS-10	CG-20	
(429)	19-39	04-25-19	Waiākea, South Hilo	2-2-034:012	(Amends Ord. 06-107) (Effective Date 7-17-06)		
(430)	19-58	05-21-19	Ponahawai, South Hilo	2-3-037:001, 2-3-044:019, and 2-3-049:053	(Amends Ord. 10-64) (Effective Date 6-18-10)		
(431)	19-90	08-21-19	Waiākea, South Hilo	2-2-39:31, 57, 68, and 69	(Amends Ord. 07-105) (Effective Date 8-14-07)		
(432)	19-92	09-18-19	Waiākea, South Hilo	2-4-080:013	A-3a	RS-10	
(433)	19-113	12-17-19	Waiākea Houselots, Waiākea South Hilo	2-2-050:043	(Amends Ord. 09-90A) (Effective Date 9-2-09)		
(434)	20-63	09-02-20	Waiākea, South Hilo	2-4-028:009	RM-1.5	RS-7.5	
(435)	20-64	09-02-20	Waiākea Houselots 2nd, Waiākea South Hilo	2-2-021:008	RS-10	CG-20	

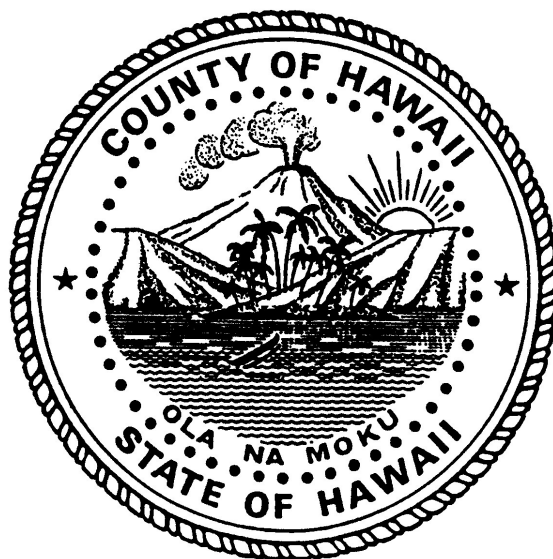
Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(436)	20-71	09-29-20	Ponahawai, South Hilo	2-3-037:019	(Amends Ord. 10-19) (Effective Date 3-18-10)		
(437)	21-17	03-01-21	Kūkūau 1st, South Hilo	2-4-025:048, 053 and 080	(Amends Ord. 10-32) (Effective Date 5-10-10)		
(438)	21-45	06-25-21	Waiākea Houselots, Waiākea, South Hilo	2-2-035:034	(Amends Ord. 09-138) (Effective Date 11-4-09)		
(439)	21-46	06-25-21	Waiākea, South Hilo	2-2-041:Portion of 75	(Amends Ord. 723) (Effective Date 11-4-81)		
(440)	21-49	07-15-21	Piopio, Waiākea	2-2-001:008, 017, 018, 019, 024, 030, and 034	Open	Industrial	
(441)	21-62	09-22-21	Waiākea, South Hilo	2-2-024:022	RS-10	CG-7.5	
(442)	21-64	10-06-21	Waiākea, South Hilo	2-4-003:Por. 021	(Amends Ord. 98-13) (Effective Date 2-24-98)		
(443)	22-1	01-11-22	Waiākea, South Hilo	2-2-035:049, and 096	RS-10	MCX-20	
(444)	22-2	01-11-22	Waiākea, South Hilo	2-2-038:028	(Amends Ord. 12-33) (Effective Date 3-6-12)		
(445)	22-14	02-24-22	Waiākea, South Hilo	2-2-032:023, 101, 102, 103 and 104	(Amends Ord. 97-106) (Effective Date 8-13-97)		
(446)	22-98	10-04-22	Waiākea, South Hilo	2-2-040:004	(Repeals Ord. 17-7) (Effective Date 01-20-17)		
(447)	22-101	10-04-22	Waiākea, South Hilo	2-2-044:031, 032, 035, and 037	(Amends Ord. 17-24, that amended Ord. 12-111, 99-116, and 96-159) (Effective Date 4-20-17)		



# THE HAWAI‘I COUNTY CODE

## 1983 (2016 Edition, as amended)

Update to include: Supplement 13 (1-2023)  
Contains ordinances effective through: 12-31-22



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

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

## Volume Three



## 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

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5D	Electrical Code						20-61C	21-61A	
5E	Energy Conservation Code						20-61C	21-61A	
5F	Plumbing Code						20-61C	21-61A	
6	Businesses								
7	Disaster and Emergency Management								22-103A
8	Dedication of Land								
9	Electricity						20-61R		
10	Erosion and Sedimentation Control								
11	Housing								22-77A
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	20-59A, 20-86A	21-87A	22-81A, 22-130A

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021	2022
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	20-59A	21-3A, 21-65A, 21-74A	22-3A, 22-9A, 22-23A, 22-115A
16	Planning		16-77A	17-66A	18-78A				
17	Plumbing						20-61R		
18	Public Transportation		16-95A, 16-108A						22-12A, 22-94A
19	Real Property Taxes			17-41A	18-88A		20-39A	20-60A, 21-32A	22-26A, 22-90A, 22-91A
20	Integrated Solid Waste Management	15-114A		17-63A	18-5A, 18-82A	19-85A, 19-95A	20-86R, C		22-104A
21	Sewers					19-21A			
22	County Streets								
23	Subdivisions	15-19A			18-12A			21-52A	

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021	2022
24	Vehicles and Traffic								22-95A
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		22-15A, 22-105A
25	Zoning	15-33A, 15-44A, 15-45A	16-98A	17-31A	18-114A	19-100A	20-3A, 20-61A, 20-94A	21-24A, 21-26A, 21-52A	22-95A

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021	2022
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, 20-63A, 20-64A, 20-65A, 20-71A	21-1A, 21-2A, 21-17A, 21-25A, 21-27A, 21-31R, 21-40A, 21-45A, 21-46A, 21-49A, 21-62A, 21-64A	22-1A, 22-2A, 22-13A, 22-14A, 22-22A, 22-27A, 22-34A, 22-35A, 22-42A, 22-46A, 22-48A, 22-65A, 22-66A, 22-87A, 22-88A, 22-98R, 22-100A, 22-101A, 22-106A, 22-109A, 22-114A, 22-122A
26	Fire		16-107A		18-15A				
27	Flood Control			17-56A	18-25A				

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021	2022
28	State Land Use District Boundary Amendment Procedures								
29	Water Use and Development								
30	Development Agreements								
31	Enterprise Zone Program								
32	Special Improvement Financing by Community Facilities Districts								
33	Tax Incremental Districts								
34	Public Access								
35	Business Improvement Districts								
36	Redistricting				18-98A				



<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
22-34	04-21-22	North Kona Zone Map	ZA
22-35	04-21-22	Puakō-‘Anaeho‘omalu Zone Map	ZA
22-36	04-21-22	Relating to dangerous dogs	4-1-1, 4-3-1 to 4-9-6
22-37	04-21-22	Operating budget	--
22-38	04-21-22	Operating budget	--
22-39	04-21-22	Operating budget	--
22-40	04-21-22	Capital improvements budget	--
22-41	04-21-22	General Obligation Bond (\$149,500,000 – Wastewater - Design for Hilo wastewater treatment plant, WIFIA loan match, construction and emergency measures; Public Works repairs and maintenance; Parks and Recreation repairs and maintenance; Housing repairs and maintenance; Animal control facilities and maintenance; Solid Waste repairs and maintenance; Bond issuance costs)	--
22-42	04-21-22	Pāpa‘ikou-Onomea Zone Map	ZA
22-43	04-21-22	Operating budget	--
22-44	04-21-22	Operating budget	--
22-45	04-21-22	Operating budget	--
22-46	04-29-22	Puakō-‘Anaeho‘omalu Zone Map	ZA
22-47	04-29-22	‘O‘oma 1st, North Kona	SLUB
22-48	04-29-22	North Kona Zone Map	ZA
22-49	04-29-22	Operating budget	--
22-50	04-29-22	Operating budget	--
22-51	07-01-22	Salary Ordinance of 2022	--
22-52	04-29-22	Operating budget	--
22-53	04-29-22	Operating budget	--
22-54	04-29-22	Operating budget	--
22-55	04-29-22	Operating budget	--
22-56	04-29-22	Operating budget	--
22-57	05-18-22	Operating budget	--
22-58	05-18-22	Capital improvements budget	--
22-59	05-18-22	Operating budget	--
22-60	05-23-22	Operating budget	--
22-61	06-07-22	Operating budget	--
22-62	06-09-22	Operating budget	--
22-63	07-01-22	Operating budget FY 2022-2023	--
22-64	07-01-22	Capital improvements budget FY 2022-2023	--
22-65	06-15-22	Ka‘ū District Zone Map	ZA

<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
22-66	06-15-22	North and South Kohala District Zone Map	ZA
22-67	06-17-22	Capital improvements budget	--
22-68	06-17-22	Operating budget	--
22-69	06-17-22	Operating budget	--
22-70	06-17-22	Operating budget	--
22-71	06-17-22	Operating budget	--
22-72	06-17-22	Operating budget	--
22-73	06-20-22	Operating budget	--
22-74	06-20-22	Operating budget	--
22-75	06-20-22	Operating budget	--
22-76	06-29-22	Capital improvements budget	--
22-77	06-29-22	Housing production funding	11-21 (new article)
22-78	06-29-22	Operating budget	--
22-79	06-29-22	Operating budget	--
22-80	07-06-22	Use of the County housing program revolving fund	2-75
22-81	12-01-22	Prohibition of non-mineral sunscreen	14-30 (new article)
22-82	11-08-22	Charter amendment (board of ethics)	--
22-83	08-03-22	Operating budget	--
22-84	08-03-22	Operating budget	--
22-85	11-08-22	Charter amendment (office of the County auditor)	--
22-86	11-08-22	Charter amendment (youth commission)	--
22-87	08-03-22	North and South Kona District Zone Map	ZA
22-88	08-03-22	Kea'au Zone Map	ZA
22-89	08-12-22	Operating budget	--
22-90	01-01-23	Real property tax exemptions	19-71
22-91	01-01-23	Real property tax exemptions for kuleana lands	19-89.5
22-92	08-31-22	Operating budget	--
22-93	08-31-22	Operating budget	--
22-94	08-31-22	Fares for public transportation	18-90
22-95	09-19-22	Electric vehicles	24-245.4 to 24-245.6 (new division) 25-1-5, 25-4-54.1 to 25-4-54.2 (new sections)

<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
22-96	09-19-22	Operating budget	--
22-97	09-19-22	Operating budget	--
22-98	10-04-22	City of Hilo Zone Map	ZA
22-99	10-04-22	Operating budget	--
22-100	10-04-22	South Hilo Zone Map	ZA
22-101	10-04-22	City of Hilo Zone Map	ZA
22-102	10-14-22	Operating budget	--
22-103	10-27-22	Renames Chapter from “Civil Defense” to “Disaster and Emergency Management”	Renames and amends chapter 7
22-104	10-27-22	Vehicle disposal	Repeals 20-03-03 and adds new article 7
22-105	10-27-22	Traffic Schedules	24-293
22-106	10-27-22	Puna District Zone Map	ZA
22-107	10-27-22	Operating budget	--
22-108	11-04-22	Kealahou, South Kona	SLUB
22-109	11-04-22	South Kona Zone Map	ZA
22-110	11-04-22	Operating budget	--
22-111	11-04-22	Operating budget	--
22-112	11-04-22	Capital improvements budget	--
22-113	11-04-22	Operating budget	--
22-114	11-17-22	Hāmākua District Zone Map	ZA
22-115	11-17-22	Renames the Pāhoa District Park to the “William “Billy” Kenoi Park”	15-68.1
22-116	11-17-22	Operating budget	--
22-117	11-17-22	Operating budget	--
22-118	11-17-22	Operating budget	--
22-119	11-17-22	Operating budget	--
22-120	11-17-22	Operating budget	--
22-121	11-17-22	Capital improvements budget	--
22-122	12-05-22	North Hilo Zone Map	ZA
22-123	12-05-22	Capital improvements budget	--
22-124	12-05-22	Capital improvements budget	--
22-125	12-05-22	General Obligation Bond (\$17,000,000 – Hilo Wastewater Treatment Plant)	--
22-126	12-05-22	Operating budget	--

<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
22-127	07-01-23	Real property solar water heater tax credit	19-104
22-128	12-05-22	Operating budget	--
22-129	12-05-22	Capital improvements budget	--
22-130	12-09-22	Licenses to carry concealed and unconcealed firearms within the County	14-115 to 14-119.3 (new article)
22-131	12-27-22	Operating budget	--