

Article 21. Weight, Size and Load

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(Sec. 15-21.1 Gross weight, axle and wheel loads. Repealed by Ord. 95-15.)

Sec. 15-21.1 Reserved.

Sec. 15-21.2 Limitation of weight and wear defined.

- (a) No vehicles equipped wholly or partly with metal tires or vehicles resting on any metal roller, wheel or other object or portion thereof in contact with the highway, the weight of which with its load exceeds 500 pounds upon any inch width of the tire, shall be operated on any highway; provided, however, that traction engines or tractors, the propulsive power of which is exerted not through wheels resting upon the ground but by means of a flexible band or chain known as a movable tract, shall not be subject to the foregoing limitations upon permissible weight per inch of width of tire, if the portions of the movable track in contact with the highway present a plane surface. Further, no vehicle or trailer which is equipped wholly or partly with metal tires or other hard nonresilient material shall be operated upon any highway unless a special permit for each such operation be first obtained from the director of transportation, department of transportation of the State of Hawaii, or the director's representative, in case of state highways, or from the director of transportation services, department of transportation services of the City and County of Honolulu, or the director's representative, in case of city and county highways.
- (b) No vehicle equipped with pneumatic tires, the weight of which with its load exceeds 800 pounds per inch of width per tire shall be operated upon any public highway.
- (c) No vehicle equipped wholly or partly with solid tires, other than metal, the weight of which with its load exceeds 600 pounds on any inch of the channel base width of the tire used thereon, shall be operated upon any highway. The total width of all the tires on any one wheel shall be deemed the width of one tire.
- (d) No vehicle equipped with solid rubber tires shall be operated upon any public highway if the thickness of any such tire is less than as shown in the following table:

Width of tire in inches	Minimum thickness
3 inches to 5 inches, inclusive	1
6 inches to 8 inches, inclusive	1 1/4
10 inches and over	1 1/2

- (e) No vehicle equipped with solid rubber tires shall be operated on any highway when the variation in width of

the entire traction surface of any solid tire due to injury or wear exceeds 15 percent, or when the variation in thickness on any part of the traction surface exceeds 15 percent, or when any portion of the rubber is not securely attached to the channel base. No dual solid rubber tires shall be permitted to be used on any highway if there is an average difference greater than one-eighth inch between the outside diameters of each of the single tires composing the dual tire.

(Sec. 15-21.2, R.O. 1978 (1983 Ed.))

Sec. 15-21.3 Projecting loads on passenger vehicles.

No passenger-type vehicle shall be operated on any highway with any load thereon projecting beyond the extreme width of the vehicle, regardless of the nature of the property being transported. (Sec. 15-21.3, R.O. 1978 (1983 Ed.))

(Sec. 15-21.4 Loads to be properly secured. Repealed by Ord. 95-15.)

Sec. 15-21.4 Reserved.

Sec. 15-21.5 Trailers and towed vehicles.

- (a) When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and such drawbar or other connection shall not exceed 15 feet from one vehicle to the other except that the connection may be longer between any two vehicles transporting poles, pipes, machinery, or other objects of such structural nature as cannot readily be dismembered.
- (b) When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.
- (c) Trailers shall not be operated, permitted to be operated, caused to be operated or parked on public highways without the safety chain or chains (stay chain or cable) securely coupled to the motor vehicle to which it has been coupled for towing. The safety chain or chains shall not be coupled to the same coupling of the towing vehicle to which the tow bar is coupled. Each chain or cable and its accompanying coupling and mounting devices shall have an ultimate strength equal at least to the gross weight of the trailer. No more slack shall be left in the safety chain or cables than shall be necessary to permit proper turning. The safety chain or cable shall be so connected to the trailer and towing vehicle, and also to the tow bar so as to prevent the tow bar from dropping to the ground in the event the tow bar or coupling should fail.
- (d) No asphalt kettle containing hot liquid asphalt shall be towed or otherwise moved upon the highway unless the kettle is no more than one-half full of liquid asphalt, the top has been securely fastened, and chunks of cold, hard asphalt have been added to the liquid asphalt in sufficient quantities to cool the asphalt to a semisolid state and minimize splashing. In no event shall an asphalt kettle be towed or moved along the public highway while the heating element is operating.

(Sec. 15-21.5, R.O. 1978 (1983 Ed.))

Sec. 15-21.6 Police officers may weigh vehicles and require removal of excess loads.

- (a) Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales, and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.
- (b) Whenever an officer, upon weighing a vehicle and load as above provided, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this article. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.
- (c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing when directed by an officer or who fails or refuses to otherwise comply with the provisions of this section, is deemed to have committed a violation.

(Sec. 15-21.6, R.O. 1978 (1983 Ed.); Am. Ord. 95-15)

Sec. 15-21.7 Liability for damage to highway or structure.

- (a) Any person driving any vehicle, object or contrivance upon any highway or highway structure shall be liable for all damage which such highway or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operating, driving or moving any such vehicle, object or contrivance weighing in excess of the permitted maximum weight but authorized by a special permit issued as provided in Section 15-21.12.
 - (b) Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the expressed or implied permission of its owner, then such owner and driver shall be jointly and severally liable for any such damage.
- (Sec. 15-21.7, R.O. 1978 (1983 Ed.))

Sec. 15-21.8 Width and height of vehicles restricted.

The width and height of a motor vehicle or other power vehicle operated on any street or highway shall be in conformance with HRS Section 291-34. (Sec. 15-21.8, R.O. 1978 (1983 Ed.); Am. Ord. 01-36)

Sec. 15-21.9 Restricting the use of A.A. Wilson Bridge at Wahiawa.

- (a) No person shall drive or operate any motor vehicle having an aggregate weight of vehicle and load in excess of 15 tons over the A.A. Wilson Bridge, nor shall any person drive or operate any motor vehicle, except a passenger automobile, over said A.A. Wilson Bridge when there is another such motor vehicle approaching in the opposite direction over said A.A. Wilson Bridge.
 - (b) No person shall drive any motor vehicle over said A.A. Wilson Bridge at a greater speed than 10 miles per hour.
 - (c) The driver of any motor vehicle, except a passenger automobile, when traveling over said A.A. Wilson Bridge, shall not approach within 30 feet of another motor vehicle proceeding in the same direction.
- (Sec. 15-21.9, R.O. 1978 (1983 Ed.))

Sec. 15-21.10 Restricting the use of Tantalus Road by heavy vehicles.

- (a) No person shall drive any motor vehicle having an aggregate weight of vehicle and load in excess of eight tons in either direction over that part of Tantalus Road beginning from the mauka side of Papakolea Bridge to the junction of Round Top-Makiki Road.
 - (b) The foregoing provisions shall not apply to an authorized emergency vehicle, as defined hereinbefore, while the driver of such vehicle is operating the same in an emergency in the necessary performance of such driver's duties, nor to a vehicle, the owner or operator of which has obtained from the director of transportation services of the City and County of Honolulu a permit authorizing the operation of such vehicle over the described road. The director of transportation services shall issue such a permit only when it appears to said director's satisfaction that an emergency exists necessitating the issuance of such a permit.
- (Sec. 15-21.10, R.O. 1978 (1983 Ed.))

Sec. 15-21.11 Restricting the use of Kaneohe Bay Drive.

- (a) No person shall drive any truck in either direction over Kaneohe Bay Drive, between the intersection of Mokapu Saddle Road and Kaneohe Bay Drive and the junction of Kaneohe Bay Drive with Paku Place, when such truck with load weighs in excess of seven tons.
 - (b) The provisions of this section shall not apply to an authorized emergency vehicle as defined hereinbefore, while the driver of such vehicle is operating the same in an emergency in the necessary performance of such driver's duties, nor to a vehicle the owner or driver of which has obtained from the director of transportation services of the City and County of Honolulu a permit authorizing the operation of such vehicle over the above described drive. Said director of transportation services shall issue such a permit only when it appears to said director's satisfaction that an emergency exists necessitating the issuance of such a permit.
- (Sec. 15-21.11, R.O. 1978 (1983 Ed.); Am. Ord. 01-61)

Sec. 15-21.12 Permit to move equipment and/or load of excessive weight, width or height.

- (a) No vehicle, equipment or other object which does not meet the standards of weight, width or height or other requirements mentioned in Section 15-21.2 and Section 15-21.8, nor any load in excess of nine feet in width, exclusive of eaves or overhangs of less than three feet and having a clearance of 10 feet or more above the roadway, shall be moved, transported or caused to be moved or transported over any public

- highway or street by any person without a permit therefor issued by the director of transportation of the State of Hawaii or the director's representative, whenever state highways are involved, and by the director of transportation services or the director's representative, whenever city and county highways are involved.
- (b) All applications for permits required under this section shall be made in writing to the director of transportation and/or the director of transportation services of the city and county, as the case may be, and shall contain the following:
- (1) Description of the vehicle, equipment and/or load to be moved;
 - (2) Street location or other identifying description of the place to which the same is to be moved;
 - (3) Complete designation of the route to be followed;
 - (4) Height, width and length of the same;
 - (5) Times at which the movement of the same will commence and terminate;
 - (6) Certified statement that the moving contractor has examined the route and determined that there will be a clearance of at least one foot on each side of the vehicle, equipment and/or load and any possible obstructions existing along such route.
- (c) No permit shall be issued unless:
- (1) The applicant has secured and presents to the issuing officer all clearances required by any law, ordinance or regulations;
 - (2) There is more than one foot clearance on each side of the vehicle, equipment and/or load along the route to be followed;
 - (3) The issuing officer is satisfied that there are available sufficient pull out areas for use in case of delay or breakdown;
 - (4) The applicant has obtained a permit from the joint pole committee where the vehicle, equipment and/or load, as loaded, exceeds 13 feet in height;
 - (5) And in the case of loads of such excessive widths, the applicant has filed with the issuing officer a certificate of any insurance carrier certifying that there is a comprehensive automobile liability insurance policy covering said applicant, and the applicant's authorized agents, executors, administrators, heirs and assigns for liability in the minimum amount of \$100,000.00 for bodily injury to or death of one person in any one accident, and in the amount of \$300,000.00 for bodily injury to or death of two or more persons in any one accident, and in the amount of \$50,000.00 because of damage to or destruction of property of others in any one accident.
- (d) The director of transportation of the State of Hawaii and/or the director of transportation services of the City and County of Honolulu, as the case may be, may, in their discretion, change and designate another route to be followed or the time during which the movement shall be made prior to the issuance of a permit.
- (Sec. 15-21.12, R.O. 1978 (1983 Ed.); Am. Ord. 96-58)

Sec. 15-21.13 Regulations as to movement of loads of excessive width.

- (a) Such loads of excessive width shall be moved or transported only during the hours between one a.m. and six a.m.; except in certain rural areas the issuing officer may, in such officer's discretion, permit movements between the hours of 10 a.m. and three p.m. where traffic may be diverted over an alternate route and where the flow of traffic will not be unduly impeded by such movement; provided, however, such loads of less than 14 feet in width, exclusive of eaves or overhangs of three feet or less and having a clearance of 10 feet or more above the roadway, may be moved at any time except during the hours between six-thirty a.m. and eight-thirty a.m. and during the hours between three-thirty p.m. and five-thirty p.m.
- (b) The maximum speed of movement of such loads shall be 25 miles per hour.
- (c) When movements are permitted during daylight hours, such loads shall be marked at each corner by a red flag. An escort vehicle, displaying at least one red flag on each side at the front, shall precede such load. The flags herein referred to shall be not less than 16 inches square (256 square inches).
- (d) When movements are made at night, such load shall be escorted by at least two escort vehicles, one of which shall precede the load and one of which shall follow the load. Such escort vehicles shall be equipped with at least one oscillating amber light on the top of the cab, or one blinking amber light at least six inches in diameter in the front of the front escort vehicle and one blinking amber light in the rear of the rear escort vehicle.
- (e) The leading escort vehicle shall precede the load by not less than the distances shown on the following table. The speeds shown in the table represent the established speed limit for the street or highway on which

the movement is taking place added to the speed at which the load is traveling.

COMBINED SPEED (M.P.H.)	MINIMUM DISTANCE FROM LOAD TO LEADING ESCORT VEHICLE
30	200
35	240
40	280
45	320
50	350
55	420
60	480
65	540
70	600

- (f) When movements are made at night, such loads shall be lighted by at least one string of incandescent lamps spaced at a maximum of five feet on center around the entire load. At least one lamp in said string shall be located at each corner of the load. All such lamps shall be located not less than five feet from the roadway surface. In addition thereto, at least one lamp shall be placed or located at each corner and at the lowest point of the load. All lamps located at the corners of the load shall be red in color and not less than 100 watts each; all others may be red, white or amber in color and shall be not less than 50 watts each. Sufficient lanterns shall be provided of the colors specified for incandescent lamps to be used in the event of power failure or other similar emergency to ensure that the minimum lighting required by this traffic code is maintained at all times.
- (g) The vehicle or tractor carrying, transporting or drawing such load at night shall be equipped with at least two flashing amber lights not less than six inches in diameter which shall be mounted on each side at the front of the vehicle or tractor, near the headlight but not in the same horizontal line therewith.
- (h) If trailers are used in carrying or transporting such load at night, the lighting of such trailers shall be as specified in Section 15-19.5 (d).
- (i) On movements of loads which require the adjustment of overhead facilities, the contractor shall provide at least two experienced workers on top of the structure to lift wires and perform other work as required to ensure the safe passage of the load under overhead obstructions without damage to the wires or obstructions. Such workers shall be provided with safety gloves and all other safety devices required by the state safety code.
- (j) All military tactical movements shall be exempted from the provisions of this section.
- (k) All agricultural equipment and implements of husbandry moved on public highways in the course of normal agricultural operations, and within the geographic area in which they are normally used, shall be exempted from the provisions of this section.

(Sec. 15-21.13, R.O. 1978 (1983 Ed.))

Sec. 15-21.14 Restricting the use of a portion of Moanalua Highway by certain heavy vehicles.

No person shall drive or operate any vehicle, having a registered weight of 6,000 pounds or more, in the Honolulu direction on Moanalua Highway from the Halawa Stream Bridge to Red Hill Road in any lane but the extreme right lane during the hours of six-thirty a.m. to eight a.m., except when overtaking a stalled vehicle or preparatory to making a left turn. (Sec. 15-21.14, R.O. 1978 (1983 Ed.))

Sec. 15-21.15 Restricting the use of Ahuimanu Road by certain heavy vehicles.

- (a) No person shall drive any vehicle in either direction over Ahuimanu Road between Ahuimanu Place and Kamehameha Highway when such vehicle, with or without load, weighs in excess of 10 tons.
- (b) The foregoing provision shall not apply to an authorized emergency vehicle while the driver is operating such vehicle in the necessary performance of such driver's duties, nor to a vehicle, the owner or operator of which has obtained from the director of transportation services of the City and County of Honolulu a permit authorizing the operation of such vehicle over the described road. The director of transportation services shall issue such a permit only when it appears to his or her satisfaction that an emergency exists

necessitating the issuance of such a permit.
(Sec. 15-21.15, R.O. 1978 (1983 Ed.))

Article 22. Parking Meter Zones

Sections:

15-22.1	Parking meter zone.
15-22.2	Designation of parking meter spaces.
15-22.3	Acquisition, installation and operation of parking meters.
15-22.4	Parking time limits.
15-22.5	Placement of parking meters.
15-22.6	Method of parking.
15-22.7	Operation of parking meters.
15-22.8	Charge for enclosure or obstruction of parking meter spaces incidental to construction.
15-22.9	Collections.
15-22.10	Use of fund.
15-22.11	Violations.

Sec. 15-22.1 Parking meter zone.

(a) All streets, including those named, lying within an area, bounded and described in Schedule XXX attached to the ordinance codified in this section and made a part hereof shall constitute parking meter zones.*

[*Editor's Note: See the listing of schedules at the beginning of this chapter.]

- (b) All other streets may be hereafter included, added and designated as parking meter zones by an ordinance, enacted by the city council of the City and County of Honolulu.
- (c) All municipal parking areas shall constitute parking meter zones when they have been so designated by the city council of the City and County of Honolulu.

(Sec. 15-22.1, R.O. 1978 (1983 Ed.))

Sec. 15-22.2 Designation of parking meter spaces.

The director of transportation services is authorized and directed to establish, mark and designate individual parking meter spaces for the parking of a single vehicle therein in the parking meter zones designated and described in Section 15-22.1 and in such other zones as may hereafter be established, including the reservation of spaces for loading and unloading of commercial vehicles for which no parking meters shall be established, which spaces shall be marked and designated to extend in width eight feet from the curb or edge of the street towards the center of the street and extend in length a maximum of approximately 22 feet and a minimum length of approximately 18 feet along the curb or edge of the street. (Sec. 15-22.2, R.O. 1978 (1983 Ed.))

Sec. 15-22.3 Acquisition, installation and operation of parking meters.

The director of budget and fiscal services shall do all things necessary to provide for the purchase, rental, acquisition, installation, maintenance, and repair of parking meters, including the collection of coins, currency and other payments from parking meters. The department of facility maintenance or the Honolulu police department, as appropriate, shall provide for the installation, maintenance and repair of parking meter poles and related infrastructure as requested by the department of budget and fiscal services. (Sec. 15-22.3, R.O. 1978 (1983 Ed.); Am. Ord. 04-32)

Sec. 15-22.4 Parking time limits.

- (a) Except as otherwise allowed by law or permit, parking or standing a vehicle in a designated space in the downtown and civic center area (which is bounded by River Street to Vineyard Boulevard, then along Vineyard Boulevard to Punchbowl Street, then along Punchbowl Street to Beretania Street, then along Beretania Street to Alapai Street, then along Alapai Street to King Street, then along King Street to

Punchbowl Street, and along Punchbowl Street to the waterfront), and the Waikiki and City Hall parking meter zones shall be lawful between the hours of 7 a.m. and 6 p.m. unless otherwise provided by law on any day except Sundays and public holidays, upon payment by a method allowed by parking meter, including, but not limited to, credit or debit cards, smart cards and coins of the following amounts in a one-dollar-fifty-cents per hour zone: twenty-five cents for 10 minutes; seventy-five cents for 30 minutes; one dollar and fifty cents for 60 minutes or one hour. Provided, however, that with respect to those parking meter zones in areas other than those designated above the deposit of the following amounts shall be required: twenty-five cents for 20 minutes; and seventy-five cents for 60 minutes or one hour. Each parking meter, when operated, shall either display the expiration of the period of legal parking, or issue a receipt indicating the date and time of expiration.

- (b) The director of transportation services shall fix and indicate the time limitations for legal parking in such zones; and the hours during the day when the parking meter or meters must be used and when the time limitations for legal parking in such zones shall be effective, on the parking meter or meters and/or by appropriate sign or signs posted in proximity to such meter or meters in said zones.
- (c) A special transit service vehicle may park or stand in a designated space without charge or necessity of paying the parking meter when loading or unloading a mobility handicapped passenger; provided, that the vehicle shall not park or stand in the designated space:
 - (1) For more than 15 minutes; or
 - (2) During hours when parking in the designated space is prohibited.

(Sec. 15-22.4, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 89-58, 89-78, 04-21, 04-32)

Sec. 15-22.5 Placement of parking meters.

- (a) The parking meters installed in the parking meter zones as established and provided for in Section 15-22.2 shall be placed upon the curb or public parking area immediately adjacent to the individual parking spaces heretofore mentioned or in the use of multispace parking meters at a location in the vicinity of the parking spaces. Each parking meter shall be placed or set in such manner as to show or display by a signal that the parking space adjacent to such meter is or is not legally in use or, if required by the directions on the parking meter, the vehicle operator shall place or cause to be placed the receipt provided in or on the vehicle according to the directions on the meter.
- (b) The director of transportation services may, upon request of the owner, tenant or occupant of the abutting property, remove or relocate any parking meter which obstructs or interferes with the construction of any authorized driveway or the construction of improvements on the abutting property; provided, however, the person requesting the removal or relocation of the parking meter or meters shall reimburse the city for all costs incurred in the removal or relocation, including costs of labor, materials and equipment.

(Sec. 15-22.5, R.O. 1978 (1983 Ed.); Am. Ord. 04-32)

Sec. 15-22.6 Method of parking.

Except as otherwise specifically stated on the parking meter or signage, when a parking space in any parking meter zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space with an individual parking meter shall be parked within the parking space lines or pavement markings with the front of such vehicle nearest to the parking meter. In the case of the use of a multispace parking meter, the vehicle shall be parked within the parking space lines or pavement markings with the front of the vehicle pointing in the direction of traffic, except as otherwise specifically stated on the parking meter or signage. When a parking space in any parking meter zone with individual parking meters is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked within the parallel parking space lines with the front of such vehicle nearest to such meter, except as otherwise specifically stated on the parking meter or signage. For multispace parking meters with parking spaces diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked within the parallel parking space lines with the front of such vehicle adjacent to the curb or sidewalk. (Sec. 15-22.6, R.O. 1978 (1983 Ed.); Am. Ord. 04-32)

Sec. 15-22.7 Operation of parking meters.

Except in a period of emergency determined by an officer of the fire or police department, or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle is parked in any parking space which is regulated by a parking meter, the operator of such vehicle shall, upon entering such parking meter

space, immediately make the proper payment by a method as is required for such parking meter and as is designated by directions on the meter, and when required by the directions on the meter, the operator of such vehicle, after payment, shall also set in operation the timing mechanism on such meter in accordance with directions appearing thereon or place the receipt provided by the meter in or on the vehicle in accordance with the directions appearing on the meter. For a vehicle other than a motorcycle, the receipt shall be placed on the dashboard on the driver's side of the vehicle with the date and time of expiration clearly visible from outside. For a motorcycle, the receipt shall be affixed to the windshield or handlebars with the date and time of expiration clearly visible. The failure to make payment, set the timing mechanism in operation, or place the receipt in or on the vehicle, when so required, shall constitute a violation of this section. Upon payment and the setting of the timing mechanism in operation or placing the parking meter receipt in or on the vehicle, when so required, the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street or public parking area in which the parking space is located; provided, that any person placing a vehicle in a parking meter space served by a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to make payment so long as such person's occupancy of the space does not exceed the indicated unused parking time. If a vehicle remains parked in any parking space beyond the parking time limit set for such parking space, and if the meter indicates such illegal parking, or if the noted date and time on the receipt has expired, then and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this traffic code. (Sec. 15-22.7, R.O. 1978 (1983 Ed.); Am. Ord. 04-32)

Sec. 15-22.8 Charge for enclosure or obstruction of parking meter spaces incidental to construction.

- (a) Before any person (other than any governmental agency) encloses, obstructs or causes to be enclosed or obstructed any parking meter space or portion thereof, incidental to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting or demolishing any building or structure, such person shall pay to the department of transportation services of the City and County of Honolulu a processing fee of \$5.00 for each permit issued in addition to a sum calculated at the rate of twelve dollars for each such parking meter space for each day or fraction thereof, exclusive of Sundays and state holidays, on which such space shall be so enclosed or obstructed.
- (b) No permit to enclose or obstruct any sidewalk or street area required under the "Rules and Regulations Governing the Use of Traffic Control Devices at Work Sites on or Adjacent to Public Streets and Highways" adopted by the state highway safety coordinator pursuant to HRS Section 286-8 on April 11, 1968 shall be issued by the director of transportation services of the City and County of Honolulu to any person to whom the foregoing provision is applicable until such person has made a deposit of the aforesaid sum, based on the estimated number of days during which the parking meter spaces shall be so enclosed or obstructed. Such person shall notify the department of transportation services immediately upon termination of such enclosure or obstruction.
- (c) All moneys due and collected hereunder shall be deposited in the highway fund created by HRS Chapter 249, as amended. In the event there is a variance between the amount collected and the amount due, adjustment shall then be made by or with the department of transportation services.

(Sec. 15-22.8, R.O. 1978 (1983 Ed.); Am. Ord. 04-21, 10-3)

Sec. 15-22.9 Collections.

It shall be the duty of the chief of police of the Honolulu police department to designate some member or members in the Honolulu police department to make regular collections of the coins and currency deposited in the parking meters. The person or persons so designated shall make a record in duplicate of the number shown registered on the coin and currency counter of each parking meter whenever coins and currency are removed therefrom. The coins and currency so removed shall be taken, together with the duplicate copy of the record above mentioned, to the city treasury for count by the chief of treasury and deposit into the highway fund, created by HRS Chapter 249, as amended. The Honolulu police department shall coordinate with the department of budget and fiscal services in ensuring that there is a proper accounting of payments by methods other than coins and currency deposited into the parking meter. (Sec. 15-22.9, R.O. 1978 (1983 Ed.); Am. Ord. 04-32)

Sec. 15-22.10 Use of fund.

In addition to other authorized purposes, the moneys in the highway fund created by HRS Chapter 249, as amended, shall be used for supervising, controlling and regulating parking of vehicles in the parking zones created hereby; for the purchase, rental, acquisition, supervision, protection, inspection, installation, operation, maintenance, control, regulation, collection and use of the parking meters described herein, of off-street parking spaces, and of other facilities and properties for parking purposes; and for purposes and functions of traffic control and safety upon the highways and streets in the City and County of Honolulu. (Sec. 15-22.10, R.O. 1978 (1983 Ed.))

Sec. 15-22.11 Violations.

No person shall violate the following provisions:

- (a) Cause, allow, permit or suffer any vehicle registered in the name of, or operated by, such person to be parked overtime, or beyond the period of legal parking time established for any parking meter zone as herein described;
 - (b) Cause, allow, permit or suffer any vehicle to be placed or remain in any parking space while the meter regulating the parking space is displaying a signal indicating illegal or overtime parking, or the receipt issued by the parking meter has expired. A special transit service vehicle shall not be deemed in violation of this subsection when loading or unloading a mobility handicapped passenger as long as the parking space is not occupied for more than 15 minutes;
 - (c) Park any vehicle across any line or marking of a parking meter space or in such position that the vehicle is not entirely within the area designated by such lines or markings;
 - (d) Deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this traffic code;
 - (e) Deposit or cause to be deposited in any parking meter any slug, device, metal or other substance, or other substitute for lawful United States coins or currency;
 - (f) Deposit or cause to be deposited in a parking meter a coin or coins or currency or make payment by credit, debit or smart card for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time, or fraction thereof, which has been established for the parking space adjacent to which such parking meter is placed;
 - (g) Fail to pay the charges as required under Section 15-22.8;
 - (h) Permit any special transit service vehicle to remain in a parking space without charge for more than 15 minutes or during hours when parking is prohibited, even if loading or unloading a mobility handicapped passenger;
 - (i) Permit any vehicle to be or remain parked in a tow zone during tow zone hours, unless the parking is permitted under and in compliance with Section 15-14.8;
 - (j) Fail to display a receipt issued by a parking meter so that the date and time are clearly visible or otherwise not in compliance with the instructions on the parking meter; and
 - (k) Alter, duplicate, or transfer to another vehicle operator any receipt issued by a parking meter.
- (Sec. 15-22.11, R.O. 1978 (1983 Ed.); Am. Ord. 89-58, 90-77, 04-32)

Article 23. Off-Street Parking

Sections:

15-23.1	Designation and allocation of parking meter spaces or parking spaces.
15-23.2	Metered parking facilities.
15-23.2A	Attendant parking facilities.
15-23.2B	Unclaimed vehicles.
15-23.2C	Special transit service vehicles.
15-23.2D	Review and amendment of parking rates and terms.
15-23.3	Business hours.
15-23.4	Signs.
15-23.5	Use of revenues.
15-23.6	Violations.
15-23.7	Permitted commercial use of public off-street parking facilities by the city-

sponsored People's Open Market program.

Sec. 15-23.1 Designation and allocation of parking meter spaces or parking spaces.

The director of transportation services is authorized and directed to establish, mark and designate individual parking meter spaces or individual parking spaces for the parking of a single vehicle therein of appropriate size in public off-street parking facilities. In all facilities where public monthly parking is authorized, the director shall allocate to vehicles displaying a valid carpool parking program permit an appropriate number of designated carpool parking spaces at preferential locations, provided that such designated carpool spaces shall not be to the detriment of daytime, short-term parkers and disabled persons parking. For any off-street parking facility under the director's control or supervision, the director shall give priority on any waiting list for permits for monthly parking spaces to vehicles with valid carpool parking program permits.

(Sec. 15-23.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 94-61)

Sec. 15-23.2 Metered parking facilities.*

The following time limits, parking fees, and other regulations shall be applicable to the parking facilities listed: [***Editor's Note:** Ordinance 06-49 shall take effect upon the department of transportation services' written announcement, signed by the director of transportation services, of the conversion of the Kaimuki 1 (12th Avenue/11th Avenue) from metered to attendant parking.]

Facility	Parking Limit (No. of Hours)	Fee Rate	Special Hours	Other
Bishop-Kukui (Area 2)	3	\$1.50/Hour		
Kuhio-Kaiolu	5	\$1.50/Hour		
HPD	2	\$1.50/Hour		Director of transportation services to designate areas and post time limits on meters or signs.
Kailua	5 and 3	\$.75/Hour		Director of transportation services to designate areas and post time limits on meters or signs.
Kailua Elderly	5 and 3	\$.75/Hour		Director of transportation services to designate areas and post time limits on meters or signs.
Kaimuki 2 (Koko Head Ave/ 12th Ave)	2	\$.75/Hour		Director of transportation services to designate areas and post time limits on meters or signs.
Civic Center	3	\$1.50/Hour		
Salt Lake	2	\$.50/2 Hours		Time limits, not to exceed the maximum, to be fixed

Facility	Parking Limit (No. of Hours)	Fee Rate	Special Hours	Other
	12 (max.)	\$.10/Hour		by director of transportation services and posted on meters or signs.
Palace Square	½	\$.75/Half-hour		
Harbor Village (River-Nimitz)	2	\$1.50/Hour		
Wahiawa	1	None		Director of transportation services to designate areas and post time limits on meters or signs.

(Sec. 15-23.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 89-48, 89-58, 89-78, 90-98, 91-13, 91-72, 92-24; Added by Ord. 94-61; Am. Ord. 97-06, 04-21, 04-32, 06-49)

Sec. 15-23.2A Attendant parking facilities.

(a) The following time limits, parking fees, and other regulations shall be applicable to the parking facilities listed:

Facility	Primary Period Hours/Rates	Secondary Period Hours/Rates	Public Monthly Rate	Lost Ticket Charge	Business Validation	Other
Alii Place (Alakea-Richards: Area 4a)	Monday-Friday 6 a.m.-5 p.m. \$.75/half-hour first 2 hours, \$1.50/half-hour thereafter	Monday-Friday 5 p.m.-midnight, Sat., Sun., holidays 6 a.m.-midnight \$.50/half-hour, maximum \$3.00	\$155.00	\$21.00	At primary rates, as may be adjusted.	Carpool parking program authorized. Early bird all-day parking authorized.
Harbor Court (Kaahumanu: Area 6)	Monday-Friday 6 a.m.-5 p.m. \$.75/half-hour first 2 hours, \$1.50/half-hour thereafter	Monday-Friday 5 p.m.-midnight, Sat., Sun., holidays 6 a.m.-midnight \$.50/half-hour, maximum \$3.00	\$140.00	\$21.00	At primary rates, as may be adjusted.	Carpool parking program authorized. Early bird all-day parking authorized.
Marin Tower (Maunakea-Smith: Area 3)	Monday-Friday 6 a.m.-5 p.m. \$.75/half-hour first 2 hours, \$1.50/half-hour thereafter	Monday-Friday 5 p.m.-midnight, Sat., Sun., holidays 6 a.m.-midnight \$.50/half-hour, maximum \$3.00	\$125.00	\$21.00	At primary rates, as may be adjusted.	Carpool parking program authorized. Early bird all-day parking authorized. Commercial tenant rate: \$125/month. Low-moderate income residential rate: \$40/month. Gap group income residential rate: \$60/month. Market residential rate: \$80/month.
Kukui Plaza	Monday-Friday, except holidays 6 a.m.- 5 p.m. \$.75/half-hour	Monday-Friday 5 p.m.-midnight, Sat., Sun.,	\$100.00	\$21.00	At primary rates, as may be adjusted.	Carpool parking program authorized. Early bird all-day parking authorized. Low-

Facility	Primary Period Hours/Rates	Secondary Period Hours/Rates	Public Monthly Rate	Lost Ticket Charge	Business Validation	Other
	first 2 hours, \$1.50/half-hour thereafter	holidays 6 a.m.-midnight \$.50/half-hour, maximum \$3.00				moderate income resident rate: \$40/month.
Hale Pauahi	Monday-Friday except holidays 6 a.m.- 5 p.m. \$.75/half-hour first 2 hours, \$1.50/half-hour thereafter	Monday-Friday 5 p.m.-midnight, Sat., Sun., holidays 6 a.m.-midnight \$.50/half-hour, maximum \$3.00	\$90.00	\$21.00	At primary rates, as may be adjusted.	Carpool parking program authorized. Early bird all-day parking authorized. Commercial tenant rate: \$90/month. Below-market unit resident rate: \$40/month. Market unit resident rate: \$60/month. River-Pauahi resident rate: \$40/month. Pauahi Kupuna Hale resident rate: \$10/month.

Facility	Primary Period Hours/Rates	Secondary Period Hours/Rates	Public Monthly Rate	Lost Ticket Charge	Business Validation	Other
Harbor Village (River-Nimitz)						Commercial tenant rate: \$150/month. Low-moderate income resident rate: \$40/month. Gap group income resident rate: \$60/month. Market unit resident rate: \$80/month. Residential stalls may be reallocated to other residential tenants at the specified rates.
Chinatown Gateway Plaza (Bethel-Hotel)	Monday-Friday 6 a.m.- 5 p.m. \$.75/half-hour first 2 hours, \$1.50/half-hour thereafter	Monday-Friday 5 p.m.-midnight, Sat., Sun., holidays 6 a.m.-midnight \$.50/half-hour, maximum \$3.00	\$150.00	\$21.00	At primary rates, as may be adjusted.	Carpool parking program authorized. Early bird all-day parking authorized. Commercial tenant rate: \$150/month. Low-moderate income resident rate: \$40/month. Gap group income resident rate: \$60/month. Market unit resident rate: \$80/month.
Kekaulike Courtyards (Kekaulike Area 7)	Monday-Friday except holidays 6 a.m.-5 p.m. \$.75/half-hour first 2 hours, \$1.50/half-hour thereafter	Monday-Friday 5 p.m.-midnight, Sat., Sun., holidays 6 a.m.-midnight \$.50/half-hour, maximum \$3.00	\$125.00	\$21.00	At primary rates, as may be adjusted.	Carpool parking program authorized. Early bird all-day parking authorized. Commercial tenant rate: \$125/month. Low-moderate income resident rate: \$40/month. Gap group income resident rate: \$60/month.

Facility	Primary Period Hours/Rates	Secondary Period Hours/Rates	Public Monthly Rate	Lost Ticket Charge	Business Validation	Other
						Market unit resident rate: \$80/month.
Smith-Beretania	Monday-Friday 6 a.m. – 5 p.m. \$.75/half-hour first 2 hours \$1.50/half-hour thereafter	Monday – Friday 5 p.m. – midnight, Sat., Sun., holidays 6 a.m.-midnight \$.50/half-hour maximum \$3.00	\$125.00	\$21.00	At primary rates as may be adjusted.	Carpool parking program authorized. Early bird all-day parking authorized.
Kaimuki 1 (12 th Ave/11 th Ave)	Monday-Friday except holidays 5 a.m. – 11 p.m. \$.75/hour first 2 hours, and \$1.50/hour thereafter. First 20 minutes free.	Sat., Sun., holidays 6 a.m. – midnight \$.75/hour.	\$125.00	\$21.00	At primary rates, as may be adjusted.	

- (b) The director of transportation services shall determine the occupancy rate of the facilities listed in this section on a semiannual basis. If the occupancy rate equals or exceeds 90 percent of the facility's capacity, the primary and secondary parking rates shall be increased by 15 cents per half-hour for the first two hours, and 30 cents per half-hour thereafter, provided that in no event shall the rates exceed three dollars per hour for the first two hours and four dollars and 50 cents per hour thereafter. If the occupancy rate decreases by 20 percent over the occupancy rate for the immediately preceding period of six months, the primary and secondary parking rates shall be decreased by 15 cents per half-hour for the first two hours and 30 cents per half-hour thereafter, provided that in no event shall the rates be reduced below the rates specified in subsection (a).
- For the purposes of this subsection, "occupancy rate" shall mean the ratio, over a given time period, between the portion of the time vehicles were parked in a facility's parking spaces versus the total available space hours.
- Any change in the rates shall become effective 30 days after its establishment by the director. At least seven days prior to the effective date, the director shall post a notice of the change at the affected parking facility.
- (c) The director of transportation services shall designate appropriate portions of each facility listed in subsection (a) for the parking, free of charge, of bicycles, motorcycles, motor scooters, and mopeds, as defined in HRS Section 291C-1.
- (d) The director of transportation services may establish a carpool parking program where authorized in subsection (a) and set monthly carpool parking rates which shall be no more than 70 percent of the public monthly rate established for each facility. In any facility where monthly carpool parking is authorized by this section, no less than 50 percent of spaces set aside for the public monthly parking program shall be allocated for the carpool parking program; provided that the director may reduce the percent of carpool parking stalls upon the director's findings that the demand for such spaces is less than 50 percent. Carpool

spaces shall be in preferential locations and a valid carpool parking program permit shall be required for all vehicles parked in the designated carpool parking spaces or paying carpool parking rates.

- (e) The director of transportation services may establish an all-day early bird parking program where authorized in subsection (a) and set the all-day fee to be charged therefor; provided that in no event shall the early bird parking program be implemented to the detriment of daytime, short-term parkers nor shall such programs be implemented at any facility unless carpool spaces have been designated and offered at reduced parking rates as required in subsection (d). In any facility that the director of transportation services implements all-day early bird parking, the director shall offer all-day early bird carpool parking at a reduced rate which shall be no more than 70 percent of the daily all-day rate.
- (f) Commercial tenants and residents of city projects applying for authorization to use designated parking stalls therein shall be certified by the department of facility maintenance. Where authorized in subsection (a), business validation shall be for downtown businesses only.
- (g) When an ordinance increasing parking fees for monthly tenants of any city attendant parking facility is enacted, the department of facility maintenance shall immediately post signs at the affected facility notifying all monthly tenants of the increase. No increase on monthly parking rates shall be collected until 90 days after the signs have been posted.

(Added by Ord. 94-61; Am. Ord. 97-06, 04-21, 04-32, 04-40, 06-49)

Sec. 15-23.2B Unclaimed vehicles.

When any vehicle not belonging to a commercial or residential tenant is not called for at closing time, such vehicle shall not be delivered to the owner or driver thereof until such time as the parking facility is again open for business and a charge of one dollar, together with the charges hereinabove specified remaining unpaid, shall have been paid by such owner or driver. Further, should the owner or driver fail to claim or call for such vehicle within 24 hours after the parking facility is again open for business, the chief of police shall remove or cause to be removed such vehicle from the parking facility, and the owner or driver thereof shall be liable for all reasonable expenses incurred by such removal, as well as the charges herein specified. In no event shall the City and County of Honolulu be responsible for any claim by reason of loss, theft or conversion of, or for any damage or injury to, a vehicle parked in the parking facility. (Added by Ord. 94-61)

Sec. 15-23.2C Special transit service vehicles.

When a special transit service vehicle parks in a public off-street parking facility to load or unload a mobility handicapped passenger, there shall be no charge for the first 15 minutes; provided that the waiver of charge shall not be applicable when a concession agreement applicable to the public off-street parking facility prohibits the waiver. (Added by Ord. 94-61)

Sec. 15-23.2D Review and amendment of parking rates and terms.

Every three years beginning no later than July 1, 1995, the director of transportation services shall review the rates charged and applicable parking terms of all municipal off-street parking facilities as to their consistency with city transportation policies, appropriateness with respect to adjacent land uses, and comparability with private parking rates. The director shall prepare and submit to the city council for its consideration any recommended amendments to the prevailing parking rates and applicable terms in the form of a bill for an ordinance. (Added by Ord. 94-61)

Sec. 15-23.3 Business hours.

Except as otherwise specifically provided, all public off-street parking facilities shall be open for business seven days per week, 24 hours per day. Notwithstanding the foregoing provisions, whenever any special event or occurrence shall require extra parking spaces in the downtown area, the director of transportation services is authorized to extend the business hours of any "Class D" and "Class F" facility, including opening for business on any Sunday or holiday. (Sec. 15-23.3, R.O. 1978 (1983 Ed.))

Sec. 15-23.4 Signs.

Appropriate signs indicating the parking charges, as well as the hours that such facility is open for business, shall be installed and maintained at each public off-street parking facility. (Sec. 15-23.4, R.O. 1978 (1983 Ed.))

Sec. 15-23.5 Use of revenues.

- (a) All revenues derived from the operation and use of the public off-street parking facilities, other than the River-Nimitz, Bethel-Hotel (Chinatown Gateway Plaza) and Hale Pauahi parking facilities, shall be collected and deposited as prescribed in Section 15-22.9, and such revenues shall be used as prescribed in Section 15-22.10.
- (b) All revenues derived from the operation and use of the River-Nimitz and Bethel-Hotel (Chinatown Gateway Plaza) parking facilities shall be deposited into the housing development special fund. Such revenues may also be used to provide for all expenses of operation, maintenance, improvement and betterment of the facilities.
- (c) All revenues derived from the operation and use of the Hale Pauahi parking facility shall be deposited into the rental assistance fund as prescribed in Section 6-45.2.

(Sec. 15-23.5, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 91-13)

Sec. 15-23.6 Violations.

No person shall violate the following provisions:

- (a) Refuse or fail to pay the parking charges specified in Section 15-23.2;
- (b) Park any vehicle, except one which is not called for at closing time, in a public off-street parking facility when not open for business;
- (c) Park any vehicle across any line or marking of a parking space or in such position that the vehicle is not entirely within the area designated by such lines or markings;
- (d) Tamper with or damage any vehicle other than the person's own parked in a public off-street parking facility;
- (e) Park any vehicle for the purpose of washing, cleaning, greasing or repairing such vehicle, except repairs necessitated by an emergency;
- (f) Except as provided in Section 15-23.7, display for sale, or sell, goods or merchandise;
- (g) Travel at a speed in excess of 10 miles per hour;
- (h) Disregard any official direction, instruction or restriction indicated by or on official signs posted therein.

(Sec. 15-23.6, R.O. 1978 (1983 Ed.); Am. Ord. 90-77, 92-121)

Sec. 15-23.7 Permitted commercial use of public off-street parking facilities by the city-sponsored People's Open Market program.

- (a) The department of transportation services may issue a permit, at no cost, to the department of parks and recreation to conduct the People's Open Market program in those municipal off-street surface parking facilities located in residential neighborhoods not zoned for business, commercial, or industrial use, under the following guidelines:
 - (1) No one facility may be used more frequently than once a week;
 - (2) The facility may be used for no more than four hours on any one day and may only be used between the hours of eight a.m. and four p.m.;
 - (3) The department must first find that the facility is one which generally has space available during the hours for which the permit is issued and that the public off-street parking needs of the surrounding residential community will not be adversely affected by issuance of the permit; and
 - (4) The persons in charge of the People's Open Market program shall ensure that the facility is left in a clean and sanitary condition following its use.
- (b) The permit shall state the day(s) and hour(s) during which it is in effect and may include other reasonable conditions and restrictions on the People's Open Market use permitted in subsection (a).
- (c) The permits may be issued on a per-use, a per-month, a biennial, or an annual basis.

(Added by Ord. 92-121)

Article 24. Miscellaneous Provisions

Sections:

- 15-24.1 Tampering with vehicle.**
- 15-24.2 Putting glass or other injurious substances on a highway.**

15-24.3	Tracking mud onto the highway.
15-24.4	Driving through funeral or other processions.
15-24.5	Unlawful riding.
15-24.6	Obstruction of intersection.
(15-24.7	Warning signs required for the protection of workers on the highway. Repealed by Ord. 95-15.)
15-24.7	Reserved.
15-24.8	Restricting animals and livestock on highways.
(15-24.9	Operating a vehicle while under the influence of intoxicating liquor. Repealed by Ord. 95-15.)
15-24.9	Reserved.
15-24.10	Parking for disabled persons.
15-24.11	Off-street parking for disabled persons at City Hall.
15-24.12	Attention to driving.
15-24.13	Restrictions on federal-aid highways.
15-24.14	Transportation of explosives through tunnels.
15-24.15	Restrictions on freeways.
15-24.16	Restriction of motorized vehicles on pedestrian overpass or underpass.
15-24.17	Miscellaneous traffic controls.
15-24.18	Anti-speed bumps.
15-24.19	Slow-moving vehicles--Requirement of emblems.
15-24.20	Parades.
15-24.21	Permits for special transit service vehicles.
15-24.22	Carrying animal in vehicle.
15-24.23	Mobile electronic devices.

Sec. 15-24.1 Tampering with vehicle.

- (a) No person shall, without the consent of the owner or person in charge of a vehicle, climb upon or into any such vehicle with the intent to commit any injury thereto or with the intent to commit any crime, whether such vehicle is in motion or at rest. The following persons shall not be deemed in violation of this subsection:
- (1) A police officer, when authorizing the entering or opening of a motor vehicle and silencing of an alarm system, as provided under Section 41-29.7; and
 - (2) An owner, operator or employee of a tow service, when entering or opening a motor vehicle and silencing an alarm system under the authorization of a police officer, as provided under Section 41-29.7.
- (b) No person, without the consent of the owner or person in charge of a standing unattended vehicle, shall manipulate any of the levers, brakes or other devices thereon; provided, however, that an operator of a motor vehicle may release the brakes and move a standing unattended vehicle for the purpose of extricating the operator's vehicle from a parking location. Persons authorized by Sections 15-13.8, 15-13.9, and 41-29.6 are excepted from this provision.

(Sec. 15-24.1, R.O. 1978 (1983 Ed.); Am. Ord. 90-3, 96-58)

Sec. 15-24.2 Putting glass or other injurious substances on a highway.

- (a) No person shall throw or deposit upon any street or highway any glass bottle, glass, nails, tacks, wire, cans or any other substance or object likely to injure any person, animal or vehicle on a highway.
- (b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.
- (d) Upon finding probable cause to believe that there has been a violation of this section, the police officer may either arrest the person believed to be in violation or may issue to that person a summons and citation in accordance with HRS Section 803-6.

- (e) Any person violating any provision of this section shall be subject to a fine of up to \$1,000 and/or up to five days' imprisonment.

(Sec. 15-24.2, R.O. 1978 (1983 Ed.); Am. Ord. 01-17)

Sec. 15-24.3 Tracking mud onto the highway.

No vehicle using the public highway shall track mud or dirt onto the traveled portion of such highway in such quantities as will constitute a hazard when the roadway is wet, or obscure the painted pavement markings thereon. In the event that mud or dirt is unavoidably tracked onto the highway, it shall be the duty of the operator of the offending vehicle to have such mud or dirt removed as quickly as possible. (Sec. 15-24.3, R.O. 1978 (1983 Ed.))

Sec. 15-24.4 Driving through funeral or other processions.

- (a) No person shall drive a vehicle between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as by law required. This provision shall apply at intersections where traffic is controlled by traffic control signals or by police officers. When the lead car of any funeral or other procession has entered any intersection, notwithstanding the light conditions at those intersections controlled by signal devices, then all other traffic shall yield the right-of-way to all vehicles comprising such funeral or other procession until it has passed through the intersection. The foregoing provisions of this section shall apply only to such funeral or other processions moving under police escort.
- (b) No funeral procession shall be permitted during the hours of six-thirty to eight-thirty a.m. and three-thirty to five-thirty p.m., Monday through Friday, except holidays.
- (c) A funeral procession composed of any number of vehicles shall be identified as such by the conspicuous display on the top center of each vehicle of a device not less than eight inches long and four inches high, predominantly black or violet in color with the word "Funeral" imprinted on each side thereof in letters no less than one and one-quarter inches in height, and the display on the top center of both the lead vehicle and the end vehicle of a flashing amber light having a minimum diameter of six inches. Such devices and the lights shall be fastened to the vehicles by means of magnets or suction cups. While in the procession each driver shall turn on the head lamps of his or her vehicle as further identification.

(Sec. 15-24.4, R.O. 1978 (1983 Ed.))

Sec. 15-24.5 Unlawful riding.

- (a) Except as otherwise provided in subsection (b), no person shall ride on any vehicle or any portion of a vehicle nor shall the operator of any vehicle permit any person to ride on any vehicle or any portion of a vehicle not designed or intended for the use of passengers.
- (b) Persons may ride or be permitted by the vehicle operator to ride in a vehicle or portion of a vehicle not designed or intended for the use of passengers under the following circumstances:
 - (1) When riding within a trailer in a space intended for merchandise;
 - (2) When engaging in the necessary discharge of an employment duty; or
 - (3) When riding in the bed or load-carrying area of a truck;provided, that persons riding in the bed or load-carrying area of a pickup truck shall be subject to HRS Section 291-14, whether or not engaging in the necessary discharge of an employment duty.

(Sec. 15-24.5, R.O. 1978 (1983 Ed.); Am. Ord. 89-130)

Sec. 15-24.6 Obstruction of intersection.

- (a) No wall, fence, sign, hedge, tree, shrubbery or other similar structure or plant growth, or any part thereof, that is more than three feet above the nearest edge of the abutting roadway shall be erected, planted or maintained at the corner of any street intersection within the area of a triangle, the apex of which is at the intersections of the property lines at such corner, and consisting of two sides each extending 30 feet from such apex along the respective property lines and the third side being a straight line connecting the respective end points of the two sides; provided, however, that the height of any such wall, fence, sign, hedge, tree, shrubbery or similar structure or plant growth, subject to any height limitation imposed by any law, ordinance or regulation, may exceed three feet upon determination by the director of transportation services that the same does not obstruct vision or constitute a traffic hazard.
- (b) The chief of police shall cause a notice to be served upon the owner or occupant of all property where a

violation of the above provision exists, requesting the removal of the obstruction therefrom within one week from the service of such notice.

(Sec. 15-24.6, R.O. 1978 (1983 Ed.))

(Sec. 15-24.7 Warning signs required for the protection of workers on the highway. Repealed by Ord. 95-15.)

Sec. 15-24.7 Reserved.

Sec. 15-24.8 Restricting animals and livestock on highways.

- (a) No person owning, controlling or having the possession of any livestock or animals, such as cattle, horses, mules, asses, swine, sheep or goats, shall wilfully or negligently permit any such livestock or animals to stray upon, or remain unaccompanied by a person in charge or control thereof, upon any street or highway.
- (b) No person shall drive or lead any such livestock upon, over or across any street or highway without keeping a sufficient number of herders on continual duty to open the road so as to permit the passage of vehicles.

(Sec. 15-24.9, R.O. 1978 (1983 Ed.))

(Sec. 15-24.9 Operating a vehicle while under the influence of intoxicating liquor. Repealed by Ord. 95-15.)

Sec. 15-24.9 Reserved.

Sec. 15-24.10 Parking for disabled persons. [*Editor's Note: In a memorandum opinion (No. 98-16427), the U.S. Court of Appeals for the Ninth Circuit held that the fee charged disabled persons for identification cards that entitle them to parking placards and special license plates violates the Americans with Disabilities Act.]

- (a) Application for and Issuance of Identification Cards, Placards, and Special License Plates. The following provisions shall govern applications for and issuance of identification cards, placards, and special license plates to disabled persons:
 - (1) In order to be considered for issuance of an identification card, a placard, or special license plates, an applicant shall present a completed application form, with a completed certificate of disability section, to the director of transportation services. This form shall be provided to applicants by the department of transportation services. To the extent required by HAR Sections 19-150-4 and 19-150-6, the applicant shall also present proof of being the person named on the application form and proof of being a legal resident of the State of Hawaii.
 - (2) If, upon review of the application and certificate of disability, the director of transportation services determines that the applicant is a disabled person and has otherwise submitted a valid application, the director shall approve the application and, upon receiving payment of the application fee prescribed in subdivision (7), shall issue to the applicant one identification card, and upon request of the applicant, one placard of the appropriate type. Upon request and payment of the fee prescribed in subdivision (7), the director of transportation services shall issue to any applicant, who does not have special license plates, one additional placard of the appropriate type.
 - (3) Any person who has a disabled identification card and disabled parking placard issued by the city, which is valid and effective on the effective date of the ordinance amending this section, may be issued, upon application and payment of the application fee prescribed in subdivision (7), a new placard, a new identification card, and special license plates without submitting a new certificate of disability if such person qualifies as a "disabled person" as defined in Section 15-2.18. For the purposes of this subdivision, a valid and effective disabled parking placard or disabled identification card issued by another county of the State of Hawaii shall be deemed a disabled parking placard or disabled identification card, whichever is appropriate, issued pursuant to this section.

- (4) Any person whose certificate of disability indicates that the person is permanently disabled and whose application pursuant to this section has been approved by the director of transportation services, upon request to the director of finance and subject to the payment of all applicable taxes, fees and other charges including the fee for numbered plates, shall be issued special license plates by the director of finance for a vehicle registered in the person's name and used primarily to transport the person.
 - (5) Identification cards and placards, except temporary identification cards and placards, shall be valid for the period of time indicated on the identification card and placard, which period of time shall be either four years from the date of issuance or the period of time for which the physician furnishing the certificate of disability has determined that the applicant will have the disability, whichever is less. Whenever a certificate of disability indicates that a person is a disabled person but is not anticipated to be permanently disabled, the temporarily disabled person shall be issued a temporary placard and a temporary identification card, upon payment of the application fee prescribed in subdivision (7), in lieu of a regular placard and a regular identification card. Temporary placards and temporary identification cards shall be valid for the period of time indicated on the placard and identification card, which period of time shall be either six months from the date of issuance of the certificate of disability or the period of time for which the physician furnishing the certificate of disability has determined that the applicant will have the disability, whichever is less. A temporary placard and temporary identification card may be renewed, upon payment of the fees prescribed in subdivision (7), for additional periods of up to six months so long as the person to whom they were issued continues to qualify as a disabled person. The department of transportation services shall require the applicant for renewal of a temporary placard and temporary identification card to present a supplemental certificate of disability.
 - (6) The application and review requirements and fees for renewal or replacement of identification cards, placards and special license plates shall be identical to those governing the initial application; provided that a new certificate of disability shall not be required if the disabled person has once been certified as being permanently disabled.
 - (7) The application fee for the issuance or renewal of a regular or temporary identification card, with or without either one regular or temporary placard or special license plates or both special license plates and a regular placard, shall be \$10.00. The fee for an additional regular or temporary placard, to supplement the initial placard, shall be \$10.00. The application fee for replacement of a placard or identification card, or both, in the event of theft, loss or mutilation, shall be \$10.00. Fees and charges for replacement of special license plates shall be the same as the fees and charges for replacement of regular license plates. The expiration date of the replacement shall be the same as the expiration date of the original identification card, placard or special license plates.
 - (8) The placards and special license plates issued pursuant to this section shall be in such form as is prescribed by the state law and rules.
- (b) Parking Privilege, Metered Parking Spaces, Conditions. Notwithstanding any other provision of this traffic code relating to the parking of motor vehicles, any vehicle displaying special license plates or a placard shall be permitted, and only such vehicles shall be permitted, to park or stand in any public or private parking space designated as a parking space reserved for parking for disabled persons, subject to applicable requirements of the space and the requirements and limitations of the state law and rules and this section. Such a vehicle shall be permitted to park or stand in a public metered parking space, in any publicly owned parking space in an unmetered lot, or in a publicly owned metered parking lot, without the payment of parking meter fees or other parking fees, to the extent provided for in HAR Section 19-150-9, when it is otherwise lawful to do so.
- The parking and standing privileges provided in this section shall not apply to any vehicle:
- (1) Parked or standing in a zone in which the stopping, standing, or parking of all vehicles is prohibited or in a zone which is reserved for special types of vehicles;
 - (2) Left unattended for more than 24 hours; or
 - (3) Defined as a nonconforming vehicle pursuant to the standards of the department of finance, City and County of Honolulu.
- (c) City Parking Spaces Reserved for Disabled Persons.
- (1) The head of any department or agency of the city may designate parking spaces reserved for

disabled persons on property within the jurisdiction of the department or agency, which spaces shall be designed and constructed in accordance with applicable standards and identified in accordance with standards adopted by the department of transportation services. Where not in conflict with a contract, such spaces may be designated despite the property being temporarily within the control of a concessionaire. Signs shall be installed with a notice, in conformance with HRS Section 290-11, that vehicles illegally parked or standing in such parking spaces shall be subject to towing.

- (2) Use of parking spaces designated pursuant to subdivision (1) shall be subject to the requirements and limitations of the state law and rules and this section.
 - (3) No motor vehicle may be parked in or caused to stand in a parking space reserved for disabled persons under this subsection except as permitted in this subsection.
 - (4) Any motor vehicle which is parked or standing in a parking space reserved for disabled persons under this subsection in violation of the state law or rules or this section may be removed from the parking space and towed to a parking garage or other place of safety. The expense incurred in the removal and towing of such vehicle shall be borne by the registered owner of the vehicle.
- (d) Suspension or Revocation of Identification Card, Placards or Special License Plates.
- (1) A disabled person's violation of or noncompliance with any provision of the state law or rules or this section shall constitute sufficient grounds for the immediate suspension of that person's identification card, placards, and/or special license plates by the director of transportation services for a period not exceeding six months, or for the revocation by the director of transportation services of that person's identification card, placards, and/or special license plates for a period of not less than one year.
 - (2) In addition to revocation on the grounds specified in HAR Section 19-150-12, the director of transportation services shall revoke the identification card, placards, and/or special license plates of any person who never was or no longer is a disabled person.
 - (3) In the case of any suspension or revocation pursuant to this subsection, the person to whom the identification card and placards were issued shall return them to the director of transportation services, and shall return the special license plates to the director of finance; provided that nothing contained herein shall be construed as relieving that person of the obligation to return the identification card, placards, and/or special license plates under the circumstances prescribed in the state law or rules, even though there may not have been a prior suspension or revocation.
 - (4) Prior to the suspension or revocation of an identification card, a placard or special license plates, the director of transportation services shall give the person whose identification card or placard is, or whose special license plates are, proposed to be suspended or revoked 15 days' notice of the proposed suspension or revocation, stating the reasons therefor. Such notice shall be sufficient if mailed to the address stated upon the latest application submitted by the person to the director of transportation services under subsection (a). The person may demand a hearing on the proposed suspension or revocation at any time prior to the suspension or revocation by making a written demand therefor to the director of transportation services. Upon receiving the demand, the director of transportation services shall schedule a hearing on the proposed suspension or revocation before a hearings officer to be designated by the director of transportation services. Notice of the hearing shall be given to the person at least 15 days prior to the scheduled hearing by registered or certified mail with return receipt requested. The notice of hearing shall be sufficient if mailed to the address to which the notice of suspension or revocation was mailed, unless the person requests in writing that the notice be mailed elsewhere. Pending the hearing, if demand for a hearing has been made, the identification card, placards and special license plates shall not be suspended or revoked. The hearings officer shall determine at the hearing whether there exists good cause under the state law or rules or under subdivision (1) or (2) for the proposed suspension or revocation, and shall issue an order either suspending or revoking the person's identification card, placards, and/or special license plates for a specified period or prohibiting such suspension or revocation. The hearing provided herein shall be a contested case hearing and the notice of, procedure for, and appeal from the hearing and order shall be as provided in HRS Chapter 91.
- (e) Penalties.
- (1) Any person who parks a vehicle or causes it to stand or be parked in a parking space reserved for

disabled persons other than in connection with the transportation of a disabled person holding a valid placard or special license plates, including a vehicle displaying a placard or special license plates, shall be subject to a fine of not less than \$100.00 nor more than \$500.00.

- (2) Any person who uses an identification card, placard or special license plates issued under this section to take advantage of the parking privileges afforded by the state law or rules or this section knowing that he or she is not entitled to such privileges, or any disabled person who knowingly permits another to use the disabled person's identification card, placard or special license plates, shall be subject to a fine of not less than \$100.00 nor more than \$500.00.
- (3) Any person who parks a vehicle or causes it to stand or be parked in a parking space reserved for disabled persons in connection with the transportation of a disabled person holding a valid placard or special license plates, but who fails to have the placard or special license plates properly displayed or who fails to park such vehicle completely within the designated space or who parks beyond the posted time limitation for the space or beyond 24 hours where there is no posted time limitation for the space or who fails to comply with any other posted limitations of the space, shall be subject to a fine of not less than \$50.00 nor more than \$250.00.
- (4) Any person who parks a vehicle or causes it to stand or be parked in an on-street or off-street metered parking space or in an off-street unmetered parking lot in connection with the transportation of a disabled person holding a valid placard or special license plates without payment of the required fees as authorized by the state law or rules or this section, but who fails to have the placard or special license plates properly displayed or who fails to park such vehicle completely within the designated space or who fails to comply with any posted limitations of the space other than time limitations, shall be subject to a fine of not less than \$50.00 nor more than \$250.00; provided that, where vehicles are not parked completely within the designated space in areas covered by Section 15-13.3 or 15-23.6, the penalties provided for in those sections shall apply in lieu of the penalty provided in this subdivision.
- (5) Any person who parks a vehicle or causes it to stand or be parked in an on-street or off-street metered parking space in connection with the transportation of a disabled person holding a valid placard or special license plates without payment of the required fees as authorized by the state law or rules or this section, but who parks beyond two-and-a-half hours or the maximum amount of time the meter allows, whichever is longer, shall be subject to the applicable fine for an expired meter.
- (6) Any person who uses an identification card, placard or special license plates issued under this section, knowing that the identification card, placard or special license plates is or are expired or has or have been suspended or revoked, to park a vehicle or cause it to stand or be parked in a parking space reserved for disabled persons or to park a vehicle or cause it to stand or be parked in a metered or unmetered parking space without payment of the required fees, shall be subject to a fine of not less than \$100.00 nor more than \$500.00.
- (7) Any person who uses an identification card, placard or special license plates, knowing that the identification card, placard or special license plates which is or are facsimiles of an identification card, placard or special license plates issued under this section or which has or have been lost or stolen, to park a vehicle or cause it to stand or be parked in a parking space reserved for disabled persons or to park a vehicle or cause it to stand or be parked in a metered or unmetered parking space without payment of the required fees, shall be subject to a fine of not less than \$100.00 nor more than \$500.00.
- (8) Any person who uses an identification card, placard or special license plates issued under this section, knowing that the person is no longer entitled to use such identification card, placard or special license plates, to park a vehicle or cause it to stand or be parked in a parking space reserved for disabled persons or to park a vehicle or cause it to stand or be parked in a metered or unmetered parking space without payment of the required fees, shall be subject to a fine of not less than \$100.00 nor more than \$500.00.
- (9) Any disabled person who refuses or fails to present an identification card issued under this section to an enforcement officer upon request, in connection with a vehicle that is or was parked or standing in a parking space reserved for disabled persons or in an unmetered parking space without payment of the required fees, shall be subject to a fine of not less than \$100.00 nor more than

\$500.00.

- (10) Any disabled person who refuses or fails to present an identification card issued under this section to an enforcement officer upon request, in connection with a vehicle that is or was parked or standing in a metered parking space without payment of the required fees, shall be subject to the applicable fine for an expired meter.
 - (11) Any person violating any other provision of the state law or rules or this section, in connection with a vehicle that is or was parked or standing in a parking space reserved for disabled persons or in a metered or unmetered parking space without payment of the required fees, shall be subject to a fine of not less than \$50.00 nor more than \$250.00.
 - (12) For purposes of this subsection, a person who causes a vehicle to stand or to be parked includes, in the case of a vehicle transporting a disabled person, both the operator of the vehicle and the disabled person.
 - (13) The penalties provided in this subsection shall be in addition to the towing and suspension or revocation provisions of the state law or rules or this section and any other penalties provided by law.
- (f) Reciprocity. The city shall recognize removable windshield placards, temporary removable windshield placards, and special license plates which are valid and current, and which have been issued by authorities of other states and countries, for the purpose of identifying vehicles to which the parking and standing privileges are extended under subsection (b).
- (g) Rules. In accordance with HRS Chapter 91, the director of transportation services and the director of finance may adopt rules, having the force and effect of law, for the implementation, administration, and enforcement of this section.

(Sec. 15-24.11, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 89-92, 96-54)

Sec. 15-24.11 Off-street parking for disabled persons at City Hall.

- (a) There are established two unmetered parking spaces reserved for disabled persons to be located within 50 feet of City Hall. The two parking spaces shall be located in the off-street area immediately in front of City Hall until two spaces have been identified and constructed in some other location within 50 feet of City Hall.
- (b) The use of the spaces shall be subject to the requirements and limitations of the state law and rules and Section 15-24.10.
- (c) The director and building superintendent or the director of transportation services, as is appropriate, is authorized and directed to establish, mark and designate the reserved parking described in subsection (a).
- (d) The members of the police department and any other persons authorized by the chief of police are authorized to enforce this section pursuant to Article 26.
- (e) Any person violating this section shall be subject to a fine of not less than \$50.00 nor more than \$250.00 for each violation.

(Sec. 15-24.11-A, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 89-92, 90-77, 95-15, 96-54)

Sec. 15-24.12 Attention to driving.

Every operator of a motor vehicle shall exercise due care in the operation of such vehicle upon any street or highway in order to avoid collision with any person, vehicle or other property on or off such street or highway. (Sec. 15-24.12, R.O. 1978 (1983 Ed.))

Sec. 15-24.13 Restrictions on federal-aid highways.

No person shall, at any time, carry on or solicit business on any portion of a federal-aid highway. (Sec. 15-24.13, R.O. 1978 (1983 Ed.))

Sec. 15-24.14 Transportation of explosives through tunnels.

No person shall transport, or cause to be transported, any explosives through any vehicular tunnel which is used by the general public as part of a public street or highway, except that this provision shall not apply to the transport of military munitions or military explosives by an operating division of the United States Department of Defense or its contractors using the H-3 tunnels. The military munitions or explosives shall be transported in accordance with United States Department of Defense standard operating procedures. (Sec. 15-24.14, R.O. 1978

(1983 Ed.); Am. Ord. 03-25)

Sec. 15-24.15 Restrictions on freeways.

No unlicensed mobile equipment shall be operated under its own power on any freeway or any portion thereof when official signs are posted prohibiting such operation. (Sec. 15-24.15, R.O. 1978 (1983 Ed.))

Sec. 15-24.16 Restriction of motorized vehicles on pedestrian overpass or underpass.

No person shall operate a motorscooter, motorcycle or any motorized vehicle upon any portion of a pedestrian overpass or underpass. (Sec. 15-24.16, R.O. 1978 (1983 Ed.))

Sec. 15-24.17 Miscellaneous traffic controls.

Miscellaneous traffic controls are established and described in Schedule XXXVIII attached to the ordinance codified in this section and made a part hereof.* All traffic controls not covered elsewhere shall be listed under this section. (Sec. 15-24.17, R.O. 1978 (1983 Ed.))

[*Editor's Note: See the listing of schedules at the beginning of this chapter.]

Sec. 15-24.18 Anti-speed bumps.

The council finds that there may be a need for the installation of anti-speed bumps on streets located within the city and, therefore, authorizes the use thereof by the department of transportation services; provided, that the location and installation of any anti-speed bumps on a particular street or streets within the city shall be left to the determination of the department of transportation services as prescribed in Revised Charter Section 6-1703(b). The determination of the location and installation of any anti-speed bumps shall be made after all of the following conditions have been considered:

- (a) The population count, especially the population of children, indicating the need for anti-speed bumps to safeguard the lives of the people residing within the immediate vicinity of the street upon which anti-speed bumps are to be located and installed;
- (b) Whether there is sufficient motor vehicular traffic based on the traffic count as against the population density to warrant the location of anti-speed bumps on a particular street;
- (c) Where the width, configuration and layout of the street would make the location and installation of anti-speed bumps effective;
- (d) That the speed limit and the location and installation of anti-speed bumps will be compatible;
- (e) That the location and installation of anti-speed bumps will not create a dangerous or hazardous situation to the residents of the streets on which anti-speed bumps are located; and
- (f) No anti-speed bumps shall be located on streets where there are other or better protective devices which can be utilized to safeguard the lives of the residents living on or in the vicinity of the streets on which the location and installation of anti-speed bumps are proposed.

(Sec. 15-24.18, R.O. 1978 (1983 Ed.); Am. Ord. 96-58)

Sec. 15-24.19 Slow-moving vehicles--Requirement of emblems.

- (a) All farm machinery and other machinery, including all road construction machinery except when guarded by flaggers or flares, designed to operate at 25 miles per hour or less, hereinafter referred to as "slow-moving vehicles," traveling on a public highway where permitted by law during day or night, shall display a triangular slow-moving vehicle emblem on the rear of the vehicle. Registered or legal owners of such vehicles shall use emblems, as developed by the American Society of Agricultural Engineers and printed in ASAE Standard ASAE S 276.1, for the purpose of identifying slow-moving vehicles. The emblem shall be mounted on the rear of the vehicle, base down, and at a height of not less than three nor more than five feet from ground to base.
- (b) The display or use of such emblem as required by this section shall be in addition to any lighting devices required by law.
- (c) The display or use of this emblem shall be restricted to the display or use specified by this section and its display or use by any other type of vehicle or as a clearance marker on wide machinery or any stationary objects on the highway is prohibited.
- (d) The slow-moving vehicles are not permitted to use public highways, unless otherwise permitted by law,

from six a.m. to nine a.m. and from three p.m. to six p.m. on weekdays from Monday through Friday, except on holidays, notwithstanding Section 15-2.17.

- (e) Slow-moving vehicles operated on any roadway open to public travel shall be driven in the right-hand lane, or as close as practicable to the right-hand curb or edge of the roadway, except for a distance not to exceed 1,000 feet when preparing for a left turn at an intersection or into a private road or driveway.

(Sec. 15-24.19, R.O. 1978 (1983 Ed.))

Sec. 15-24.20 Parades.

- (a) Definitions. The following words used in this section shall have the meaning ascribed thereto as provided herein:

“Activity” means the occupation, use or participation in any endeavor other than a parade that requires the exclusive use of streets as defined in Section 15-2.23.

“Agency” means any federal, state or city agency whose review of a permit application the director determines or finds to be necessary for the director to issue such permit.

“Chief of police” means the chief of police of the city, or the chief’s authorized subordinate.

“Department” means the department of transportation services.

“Director” means the director of the department of transportation services, or the director’s authorized subordinate.

“Expressive activity” means speech or conduct, the principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political, religious, philosophical, or ideological opinions, views, or ideas and for which no fee is charged or required as a condition of participation in or attendance at such activity. Expressive activity generally would not include sports events such as marathons, fundraising events, beauty contests, commercial events, cultural celebrations or other events the principal purpose of which is entertainment.

“First Amendment parade or activity” means a parade or activity that constitutes an expressive activity in which individuals may participate without charge.

“Legacy parades and activities” means any parade or activity that has been held in the Waikiki special district annually for 15 consecutive years from July 1, 1991 through July 1, 2006, and held every year thereafter.

“Parade” means as defined in Section 15-2.15.

“Public safety” means the safety or protection of any motorists, pedestrians, occupants of vehicles, participants, spectators and police officers assigned to a parade or activity, or the protection of any real or personal property.

“Street” means as defined in Section 15-2.23.

“Street block” means as defined in Section 15-2.23.

“Waikiki special district” means the district described in Section 21-9.80-2, including any precinct thereof established pursuant to Section 21-3.20.

- (b) Permit Required. No person shall conduct a parade or activity on streets or highways, except for funeral processions, parades, marches or processions by members of the United States Armed Forces, State of Hawaii Armed Forces and city police and fire departments, or undertake any activity on streets or highways without first obtaining a permit.

- (c) Application.

(1) Any person desiring a permit shall file an application on forms provided by the director with the department. Information to be submitted on application forms shall include, but is not limited to:

- (A) The date of the parade or activity;
- (B) The starting time and estimated duration of the parade or activity;
- (C) The route of the parade or activity; and
- (D) Whether the parade or activity is a First Amendment parade or activity.

- (d) Conditions to Be Met Prior to Issuance of Permit.

(1) Public Purpose. The director shall determine whether the parade or the activity serves a public purpose. The director may consider that the parade or the activity is for a public purpose, so long as any private benefit arising out of the parade or the activity is incidental to the public purpose. For purposes of this section, a First Amendment parade shall constitute a public purpose.

(2) First Amendment Parades or Activities. Upon receipt of an application for a First Amendment

parade or activity no later than five working days prior to the date of the event, the director shall immediately transmit a copy of the application to the corporation counsel, who shall make a recommendation to the director regarding whether an application meets the requirements of a parade or activity held for the purpose of participants expressing views or engaging in other activities protected by the First Amendment of the United States Constitution. The director shall make the determination to grant or deny the application and shall notify the applicant of the director's decision. The application may be denied if inadequate information is provided to determine whether the parade is a First Amendment parade or activity. If the application for a First Amendment parade or activity is not denied within three working days from the date the application is submitted, the application shall be deemed granted and a permit shall be issued. An application for a First Amendment parade or activity (1) filed less than five working days prior to the date of the event or (2) that conflicts with a permit application that has already been received and/or a permit that has already been issued by the department, shall be denied.

- (3) Other Parades and Activities. Applications for parades and activities that are not First Amendment parades shall be subject to the requirements of this subdivision.
 - (A) Non-Waikiki Parades and Other Activities. An application for a parade or activity, other than one subject to paragraph (B), shall be filed with the department in accordance with deadlines set by the director.
 - (B) Waikiki Parades and Other Activities. The application for a parade or activity subject to this paragraph shall be filed in accordance with deadlines set by the director. The director shall approve, upon the director's determination that all other conditions have been or will be met, not more than 15 permits per year for a parade or activity that:
 - (i) Has a route, in part or in whole, through the Waikiki special district;
 - (ii) Would result in the closure of one or more streets for a total distance of four street blocks or more within the Waikiki special district; and
 - (iii) Has an estimated duration of two or more hours.Legacy parades and activities will automatically receive a permit if all other permit conditions and requirements are met. If a parade or event qualifies as a legacy parade, it must be held every year in the Waikiki special district to maintain its status as a legacy parade. Legacy parades and activities shall not be counted towards the permit issuance limit for parades or activities in the Waikiki special district.
 - (C) Review by Chief of Police. Upon the filing of an application for a non-First Amendment parade or activity, the director shall transmit a copy of such application to the chief of police for the chief's review, comments and recommendations and to any other agency, if the director determines a particular agency's review is necessary. The chief of police or any agency to which an application has been transmitted shall return such application with comments and recommendations, if any, to the director within five working days after receipt of the copy of the application.
 - (4) The director may impose any conditions prior to the issuance of the permit that will provide for public safety; minimize traffic congestion or hazards; and permit the passage of authorized emergency vehicles. Any conditions imposed by the director to be met prior to the issuance of the permit shall be reasonable and necessary and not unduly restrict the ability of a participant in any parade or activity to express views or engage in other activities protected by the First Amendment of the United States Constitution.
- (e) Conditions to Be Met After Issuance of Permit.
- (1) Any rules adopted pursuant to HRS Chapter 91 that may apply to parades or activities using streets.
 - (2) The director may impose any conditions that are required to be met after the issuance of the permit that will provide for public safety; minimize traffic congestion or hazards; and permit the passage of authorized emergency vehicles. Any written conditions imposed by the director to be met after issuance of the permit shall be reasonable and necessary and not unduly restrict the ability of a participant in any parade or activity to express views or engage in other activities protected by the First Amendment of the United States Constitution.
- (f) Denial or Revocation of Permit.

- (1) Denial or Revocation of Permit. The director is authorized and empowered to deny any permit application if the parade or activity does not conform to any provision of this chapter, the Statewide Traffic Code and other state laws, the rules adopted by the state director of transportation or the director pursuant to HRS Chapter 91, any conditions imposed by this section, or any other written conditions imposed by the director under subsection (d)(4).
 - (2) Chief of Police to Revoke or Terminate Parade or Activity. The chief of police is authorized to revoke any permit if the chief finds that, at the site when a permitted parade or activity is to commence, and prior to the actual commencement of such parade or activity, any written conditions imposed by the director have not been met. The director is also authorized to terminate any parade or activity in progress if the director finds that public safety is endangered, or any written conditions to be observed during a parade or activity by the participants imposed by the director under subsection (e)(2) have been breached.
 - (3) Before the director may deny an application for a permit under (f)(1), the director may conduct a hearing pursuant to rules adopted by the director for such hearing. An application for a permit under (d)(2) whose application has been denied and a permittee whose permit has been revoked under the conditions set forth in subsection (f)(2) may pursue any and all remedies as provided by law, since there will be no time to issue a notice and conduct a hearing as prescribed in HRS Chapter 91.
 - (4) Applicants for Waikiki parades and activities as provided in subsection (d)(3)(B) denied a permit solely due to the limitation on permits for Waikiki parades, as established by this ordinance and as may be implemented by rules, may apply for a waiver as follows:
 - A. The applicant shall submit an application for a waiver to the mayor's office, on forms provided by the director.
 - B. The applicant shall attach to the waiver application a copy of the permit application.
 - C. The waiver application shall be submitted no later than 60 calendar days prior to the date of the parade or activity.
 - D. The parade or activity shall be on an existing route.
 - E. Except for the limitation on permits for Waikiki parades, the parade or activity shall satisfy all permit conditions or requirements.
 - F. The mayor may grant a waiver if the mayor finds that the parade or activity meets any one of the following criteria:
 - (i) The parade or activity would be of economic benefit to the City and County of Honolulu, considering: the revenue expected to be generated for businesses in the City and County of Honolulu; the public facilities to be used by organizers and participants in the parade or activity; the number of visitors the parade or activity is expected to bring to the City and County of Honolulu; whether the event would generate media exposure for the City and County of Honolulu that could result in further economic benefits; and any other factors or information that the mayor may reasonably determine to be relevant;
 - (ii) The parade or activity would be culturally or historically significant;
 - (iii) The parade or activity would recognize an outstanding achievement or significant accomplishment; or
 - (iv) The parade or activity would foster community spirit, pride, identity, or well-being, would benefit community organizations or causes, or would result in some other identifiable community benefit.

The applicant shall identify the criteria that apply to its parade or activity, and shall explain how the parade or activity meets the identified criteria.
 - G. The mayor shall be authorized to grant no more than 10 waivers per calendar year.
 - H. Upon notification from the mayor's office that a waiver has been granted to an applicant, the director shall accept the application. An application for a waiver that is not approved within 14 calendar days after submittal shall be deemed denied.
 - I. Notwithstanding the grant of the waiver, the director may impose reasonable and necessary conditions on the permit.
- (g) The director shall adopt rules pursuant to the provisions of HRS Chapter 91 for the purpose of

administering or implementing the provisions of this section, and for hearings as authorized in subsection (f).

(h) Penalties.

- (1) Definition of "Violation." "Violation," as used in this subsection, shall mean any person who:
(A) fails to obtain a permit for a parade or activity on any public street; (B) authorizes, urges or solicits any person to participate in a parade or activity without a required permit; (C) participates in a parade or activity on a public street when there is no permit issued therefor, or the permit therefor has been denied or revoked as provided in this section; or (D) fails to obey any lawful directive, order or command of a police officer when such police officer believes that public safety is in peril.
- (2) Criminal Sanctions. Any person who violates any provision of this section or falls within the definition of "violation," as defined in this subsection, shall be fined up to \$200.00, or imprisoned up to 30 calendar days, or both.

(Sec. 15-24.20, R.O. 1978 (1983 Ed.); Am. Ord. 06-39)

Sec. 15-24.21 Permits for special transit service vehicles.

(a) The department of finance shall establish a permit program to identify special transit service vehicles, other than those operated by a special transit service under Article 4, Chapter 13, which may benefit from the stopping, standing or parking privileges under this chapter. Under the program the department shall issue a permit for a vehicle eligible under subsection (d) upon:

- (1) Application by the registered owner of the vehicle or, if the registered owner is a partnership or corporation, by a partner or officer or employee authorized by the partnership or corporation; and
- (2) If imposed by the department, payment of a fee.

A permit, which shall be deemed granted upon approval of the application and, if required, payment of a fee, shall expire on December 31st of the year in which issued.

(b) A permit may be renewed upon:

- (1) Application prior to December 1st of the year in which the permit is to expire; provided, that the department may renew a permit after December 1st, but prior to December 31st. The application shall be made by any person allowed to make the application for an original permit; and
- (2) If imposed by the department, payment of a fee.

If renewed, the permit shall be deemed renewed on the January 1st immediately following the date of the application for renewal and shall expire on December 31st immediately following that January 1st. There shall be no limit on the number of times a permit may be renewed; provided, that the department shall have the right to deny renewal if the renewal would be contrary to this section.

If a permit is not renewed prior to expiration, the permit shall be deemed to have expired on that expiration date. Nothing in this section shall prevent a person from applying for another permit for a vehicle in accordance with subsection (a) after the expiration of a permit for that vehicle.

(c) A decal shall be issued with each permit, and if the department chooses to do so, a decal shall be issued with each renewal of a permit. To be identified as a special transit service vehicle under Section 15-2.11, a vehicle shall have a valid decal on its front right bumper or, if determined more appropriate by the department, elsewhere on its exterior. The decal shall be placed on the vehicle for which the permit is issued, and no other.

The department may:

- (1) Change the form, substance or color of the decal from year to year to make easier the identification of the decal which is valid in a given year; and
- (2) Require a permit holder to return a decal, the validity of which has expired, to the department.

(d) To be eligible for a permit under this section, a vehicle shall be:

- (1) Under the registered ownership of a:
 - (A) Proprietorship, partnership or for-profit corporation, the primary business activity of which is the transportation of mobility handicapped passengers upon demand or arrangement; or
 - (B) Nonprofit corporation which provides the service of transporting mobility handicapped passengers upon demand or arrangement.

The department may require the proprietorship, partnership or for-profit corporation to submit satisfactory

evidence of compliance with this paragraph; and

- (2) If the registered owner is a:
 - (A) Proprietorship, partnership or for-profit corporation, clearly marked with a business identification sign lawful under Article 14, Chapter 41; or
 - (B) Nonprofit corporation, clearly marked by a sign, graphics or lettering relating to the corporation's name or service performed.
- (e) When a decal is mutilated, defaced or lost, the department may issue a replacement decal, upon request of the permit holder.
- (f) If deemed desirable or necessary, the department may establish and impose a fee for the:
 - (1) Issuance of an original permit;
 - (2) Renewal of a permit;
 - (3) Issuance of a decal, when issued with an original or renewed permit; or
 - (4) Replacement of a mutilated, defaced or lost decal.If any fee is established, the amount shall be established by rule.
- (g) The department may revoke a permit:
 - (1) When a permit or accompanying decal has been used in violation of this chapter; or
 - (2) When a vehicle for which a permit is issued has violated the stopping, standing or parking privileges provided under this chapter for special transit service vehicles.
- (h) The following persons shall be subject to a fine of not less than \$50.00 nor more than \$250.00:
 - (1) Any person who falsifies an application for an original permit or renewal of a permit;
 - (2) Any person who places a decal on a vehicle, other than the vehicle for which the permit and decal are issued;
 - (3) Any person who retains on a vehicle a decal after the permit with which the decal was issued expires or is revoked;
 - (4) Any person who uses a facsimile of a decal; and
 - (5) Any person who uses a permit or decal issued under this section in a manner contrary to this section.The penalties provided under this subsection shall be in addition to any penalty provided elsewhere in this chapter.
- (i) Nothing in this section shall be construed as:
 - (1) Requiring a special transit service vehicle operating under authority of Article 4, Chapter 13 to acquire permits or decals under this section for its vehicles;
 - (2) Requiring a vehicle of a special transit service operating under authority of Article 4, Chapter 13 to have a decal in order to benefit from the stopping, standing or parking privileges provided under this chapter for special transit service vehicles; or
 - (3) Prohibiting a vehicle with a decal issued under Section 15-24.10 and Section 15-24.11 when transporting a disabled person with a disabled parking identification card and a disabled parking placard issued under Section 15-24.10. When utilizing the parking or standing privileges under Section 15-24.10 and Section 15-24.11, the vehicle shall be subject to those sections.

(Added by Ord. 89-58; Am. Ord. 96-58)

Sec. 15-24.22 Carrying animal in vehicle.*

- (a) For the purposes of this section, the term "vehicle" includes a "trailer" and "semitrailer" as those terms are defined in Section 15-2.28; "cattle" includes any of the bovine animals, including those bred for beef, and cows, bulls, steers, and oxen; and "horse" includes any of the equine animals, including any pony, mule, or donkey.
- (b) Except as provided in subsection (c), no dog or any other animal shall be transported on any public street or highway in any vehicle unless such animal is totally enclosed within such vehicle, within a secured container carried upon such vehicle, or securely cross-tethered to such vehicle in such a way as to prevent the animal from falling out of or off such vehicle, and to prevent injury to the animal.
- (c) Horses or cattle that are transported on any public street or highway shall be carried within enclosed vehicles. A vehicle shall be deemed enclosed, even if it provides openings for ventilation, so long as the horses or cattle cannot fall or jump off of or out of the vehicle through any of its openings.
- (d) If a conflict arises between the provisions of this section and rules adopted by the State Department of

Agriculture or the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, the rules of the State Department of Agriculture or the U.S. Department of Agriculture shall control.

(Added by Ord. 89-130; Am. Ord. 03-41)

[*Editor's Note: Ordinance 03-41 shall take effect 180 days after its approval (6-15-04).]

Sec. 15-24.23 Mobile electronic devices.

- (a) No person shall operate a motor vehicle while using a mobile electronic device.
- (b) The use of a mobile electronic device for the sole purpose of making a "911" emergency communication shall be an affirmative defense to this ordinance.
- (c) The following persons shall be exempt from the provisions of subsection (a):
 - (1) Emergency responders using a mobile electronic device while in the performance and scope of their official duties;
 - (2) Drivers using two-way radios while in the performance and scope of their work-related duties;
 - (3) Drivers holding a valid amateur radio operator license issued by the Federal Communications Commission and using a half-duplex two-way radio.
- (d) As used in this section:

"Emergency responders" include firefighters, emergency medical technicians, mobile intensive care technicians, civil defense workers, police officers and federal and state law enforcement officers.

"Mobile electronic device" means any handheld or other portable electronic equipment capable of providing wireless and/or data communication between two or more persons or of providing amusement, including but not limited to a cellular phone, text messaging device, paging device, personal digital assistant, laptop computer, video game, or digital photographic device, but does not include any audio equipment or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle or video entertainment to the passengers in the rear seats of the motor vehicle.

"Operate" a motor vehicle means the same as is defined in HRS Section 291E-1.

"Use or using" means holding a mobile electronic device while operating a motor vehicle.

(Added by Ord. 09-6)

Article 25. Pedestrian Malls

Sections:

15-25.1 Establishment of pedestrian malls.

15-25.2 Violation of pedestrian mall provisions.

Sec. 15-25.1 Establishment of pedestrian malls.

- (a) That portion of Union Street extending from Bishop to Hotel Streets in downtown Honolulu is closed to vehicular traffic and is established as a pedestrian mall.
 - (1) Except as hereinafter provided, it is unlawful for any person to park, or cause to be parked, or to operate or propel, or cause to be operated or propelled, any vehicle (as defined in this traffic code) upon the mall hereinabove established:
 - (A) Any person legally entitled as owner, lessee, invitee or licensee to operate or propel a vehicle in the alley situated on the mauka end of the mall within the easement between the lots bearing the tax map designation 2-1-10-15 and 2-1-10-42 shall be permitted to operate or propel such vehicle, for purposes of ingress and egress, over the portion of the mauka end of the mall between said alley and Bishop Street, the width of which shall be parallel lines connecting said alley to Bishop Street; provided, that entry and exit to and from said alley shall be from and to Bishop Street only.
 - (B) It is lawful to operate or propel a vehicle, for purposes of ingress and egress, over the portion of the mauka end of the mall between the lot bearing the tax map designation 2-1-10-15 and Bishop Street. The director of transportation services shall designate the width of said passageway. In determining the width of said passageway, the director of

transportation services shall take into consideration pedestrian safety and adequate ingress and egress for the highrise office/retail complex using said lot 2-1-10-15. Entry and exit to and from said lot 2-1-10-15 shall be from and to Bishop Street only.

- (C) The speed limit upon the mall shall not exceed five miles per hour.
- (b) That portion of Fort Street extending from the makai side of Beretania Street to the mauka side of Queen Street is closed to vehicular traffic and is established as a pedestrian mall.
- (1) Except as hereinafter provided, it is unlawful for any person to park, or cause to be parked, or to operate or propel, or cause to be operated or propelled, any vehicle (as defined in the traffic code) upon the mall hereinabove established; provided, however, that vehicular traffic on Hotel, King and Merchant Streets crossing the intersections at Hotel and Fort, King and Fort, and Merchant and Fort, respectively, shall be exempted from the provisions of this section.
 - (2) Notwithstanding the prohibitions contained in subdivision (1), vehicles may be allowed on the mall as specified herein:
 - (A) Passenger vehicles may be operated on the mall between Beretania and Pauahi Streets at all times for the purpose of loading and unloading passengers for Blaisdell Hotel and the Catholic church; and in addition thereto vehicles may, under police control, park in the area designated for parking during weddings or funeral services and other special events held at the Catholic church.
 - (B) Passenger vehicles may be operated on the mall between Merchant Street and the C. Brewer driveway for the purpose of exiting from the C. Brewer parking lot.
 - (C) Passenger vehicles loading or unloading passengers at Blaisdell Hotel and the Catholic church shall load or unload passengers only within the area designated for such purposes for the respective establishments.
 - (D) Any vehicle used by, or serving business firms between, Bethel Street and Fort Street via Chaplain Lane and/or the two service alleys situated between Bethel Street and Fort Street may at any time enter the mall from Chaplain Lane, and shall exit on Pauahi Street; and further, any vehicle used by or serving C. Brewer & Co. may at any time enter the mall through the existing C. Brewer driveway.
 - (E) It is lawful during the period from two p.m. to 10 a.m. of the following day, and all day on Sundays, to operate or propel a vehicle upon the mall for the purpose of delivering property to or receiving the same from a store, shop, office or other establishment in or upon any premises abutting on the mall or for the purpose of cleaning or maintaining the mall, except for that portion of the mall between Merchant Street and Queen Street, where it is lawful to operate or propel a vehicle at anytime only for purposes of cleaning or maintaining the mall, providing emergency services or exiting and entering the C. Brewer driveway. A vehicle for cleaning or maintaining the mall may be lawfully operated on the mall pursuant to this paragraph only if it is an "authorized maintenance vehicle."
 - (F) Vehicular traffic allowed under this subsection shall travel only upon the area delineated for travel and shall move only in the makai direction, except upon portions between King Street and Merchant Street, where traffic may move in either direction and between Merchant Street and the C. Brewer driveway, where traffic shall move only in the mauka direction; and except further that the direction of bicycle travel shall be subject to paragraph (H). No vehicle shall park at any time for any purpose upon the area clearly delineated for travel.
 - (G) Passenger vehicles loading or unloading passengers at Blaisdell Hotel and the Catholic church may park for such purpose for a period not exceeding three minutes; and vehicles loading or unloading freight under the provision of subsection (b)(2)(E) may park for a period not exceeding 30 minutes.
 - (H) Bicycles shall be permitted on the mall, provided that, unless otherwise provided under this paragraph:
 - (1) The operators of such bicycles shall be dismounted, but may travel in any direction of the mall; and
 - (2) The bicycles shall be parked only in bicycle racks which the City and County of Honolulu shall provide on the mall for that purpose.

Information and safety officers of the Fort Street Mall business improvement district association or its contractor may ride bicycles upon the mall while in the performance of their duties.

This paragraph shall control over any conflicting provision that may arise should the Fort Street Mall be designated as any type of bikeway.

- (I) Pedestrians shall at all times have the right-of-way upon the mall.
 - (J) The speed limit upon the mall shall not exceed five miles per hour.
- (c) That portion of College Walk extending from the mauka side of Beretania Street to the makai side of Vineyard Boulevard, and that portion of River Street extending from the mauka side of Beretania Street to the makai side of Kukui Street are closed to vehicular traffic and are established as pedestrian malls.
- (1) Right-of-Way. Pedestrians shall at all times have the right-of-way upon said malls.
 - (2) Parking Restrictions. Except as hereinafter provided, it is unlawful for any person to park, or cause to be parked, or to operate or propel, or cause to be operated or propelled, any vehicle (as defined in the traffic code) upon the malls hereinabove established; provided, however, that vehicular traffic on Kukui Street crossing the intersection of Kukui Street and College Walk shall be exempted from the provisions of this section.
 - (3) Maintenance Thereof. Notwithstanding the prohibitions contained in subsection (c)(2), vehicles may be allowed on the malls as specified herein:
 - (A) It is lawful to park, operate or propel a vehicle upon the malls for the purpose of cleaning or otherwise maintaining the malls.
 - (B) Vehicular traffic allowed under this section shall travel only upon the area delineated for travel. No vehicle shall park at any time for any purpose upon the area clearly delineated for travel, except for the purpose of cleaning or otherwise maintaining the malls.
 - (4) Vehicular Speed Limit. No person shall operate or propel, or cause to be operated or propelled, any vehicle at any time on said malls at a speed in excess of five miles per hour.
 - (5) Exempt Vehicles. The prohibition against parking or operating a vehicle upon the malls shall not apply to the driver of any authorized emergency vehicle (as defined in the traffic code) responding to an emergency occurring on the mall area; provided, that such exemption shall not relieve the driver of operating the vehicle with due regard for the safety of others.
- (d) That portion of Banyan Street extending from North King Street to Kanoa Street in the Palama District in Honolulu is closed to vehicular traffic and is established as a pedestrian mall.
- (1) Except as hereinafter provided, it is unlawful for any person to park or cause to be parked, or to operate or propel, or cause to be operated or propelled, any vehicle (as defined in the traffic code, as amended) upon the mall hereinabove established.
 - (2) A person legally entitled as the vehicle licensee may be allowed to enter Banyan Court Mall with the vehicle, provided the entry is covered by a valid department of parks and recreation "right-of-entry" or "park use permit" in order to perform authorized selling, construction, installation, repair and maintenance, cleaning, or removal of items, and that the activity can be reasonably accomplished only by entering the mall.
 - (3) The prohibition against parking or operating a vehicle upon the mall shall not apply to the driver of any authorized emergency vehicle (as defined in the traffic code, as amended) responding to an emergency call originating from the mall area; provided, that such exemption shall not relieve the driver of operating the vehicle with due regard for the safety of others.
 - (4) It is unlawful for any person to operate or propel, or cause to be operated or propelled, any vehicle at any time on said mall at speeds in excess of five miles per hour.
 - (5) Pedestrians shall at all times have the right-of-way.

(Sec. 15-25.1, R.O. 1978 (1983 Ed.); Am. Ord. 88-95, 89-8, 89-65, 89-106, 96-58, 02-50)

Sec. 15-25.2 Violation of pedestrian mall provisions.

The police department is authorized to remove or cause to be removed at the owner's expense any vehicle in violation of this article. (Sec. 15-25.2, R.O. 1978 (1983 Ed.))

Article 26. Penalties and Procedure on Arrest

Sections:

15-26.1	Procedure upon arrest.
15-26.2	Summons or citation.
15-26.3	Failure to obey summons or respond to administrative citation—Contesting an administrative citation.
15-26.4	Summons or citation for illegally parked, standing or stopped vehicle.
15-26.5	When penal summons or complaint to be issued.
15-26.6	Offenses under former ordinances saved.
15-26.7	Interpretation.
15-26.8	Severability.
15-26.9	Unspecified penalty and administrative fines.
15-26.10	Illegal parking, standing or stopping--Minimum fine.
15-26.11	Revocation or suspension of license.
15-26.12	Disposition of fines and forfeitures.

Sec. 15-26.1 Procedure upon arrest.

- (a) Except as provided in Section 15-24.2 or when authorized or directed under state law to immediately take a person arrested for a violation of any of the traffic laws before a magistrate, any authorized police officer, upon making an arrest for violation of the state traffic laws or traffic code and ordinances of the City and County of Honolulu, shall take the name, address and driver's license number of the alleged violator and license plate number or vehicle identification number of the vehicle involved, and shall issue to such person in writing a summons or citation, hereinafter described, notifying the person to answer to the complaint to be entered against him or her at a place and at a time provided in said summons or citation.
- *(b) In lieu of issuing the summons or citation referred to in subsection (a), an authorized police officer, in accordance with rules and regulations adopted by the Honolulu police department, shall offer to issue an administrative citation under this subsection. If issuing an administrative citation, the officer shall take the name, address and driver's license number of the alleged violator and license plate number or vehicle identification number of the vehicle involved, and shall issue the administrative citation. At any time prior to payment of an administrative fine as set forth in Section 15-26.9(c), an alleged violator may request a citation be issued under subsection (a) instead.

(Sec. 15-26.1, R.O. 1978 (1983 Ed.); Am. Ord. 90-77, 01-17, 04-13)

[*Editor's Note: The administrative fines provision of Ch. 15, Art. 26, shall take effect on July 1, 2005.]

Sec. 15-26.2 Summons or citation.

- (a) There shall be provided for use by authorized police officers a form of summons or citation for use in citing violators of those traffic laws which do not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district courts and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed as to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.
- (b) In every case when a citation is issued, the original of the same shall be given to the violator or, in the case of an unattended vehicle, the original of the same shall be affixed to such vehicle as provided for in Section 15-26.4; provided, that the administrative judge of the district courts may prescribe the giving to the violator, or affixing to such vehicle, a carbon copy of the citation, and provide for the disposition of the original and any other copies.
- (c) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.
- (d) There shall be provided for use by authorized police officers a form for administrative citations. The form and content of such citation shall be as prescribed by the corporation counsel and shall be printed on a form commensurate with the form of other citations used in modern methods of arrest, so designed as to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.

(Sec. 15-26.2, R.O. 1978 (1983 Ed.); Am. Ord. 04-13)

Sec. 15-26.3 Failure to obey summons or respond to administrative citation—Contesting an administrative citation.

- (a) Any person who fails to appear at the place and within the time specified in the summons or citation addressed to the person by an officer upon the person's arrest for any violation of this traffic code for which a criminal penalty is provided is guilty of a misdemeanor regardless of the disposition of the charge on which the person was originally arrested.
- (b) Any person who seeks to contest an administrative citation, or fails to remit payment of an administrative fine within 10 days of receiving an administrative citation, shall be deemed to have opted not to receive an administrative citation, and shall be issued a summons or citation pursuant to Section 15-26.1(a).

(Sec. 15-26.3, R.O. 1978 (1983 Ed.); Am. Ord. 90-77, 95-15, 04-13)

Sec. 15-26.4 Summons or citation for illegally parked, standing or stopped vehicle.

- (a) Whenever any vehicle is parked, standing, or stopped in violation of any of the restrictions contained in this traffic code, the officer finding the vehicle shall conspicuously affix to the vehicle an administrative citation. The citation shall be addressed to the registered owner of the vehicle, but need not identify the registered owner by name. The registered owner may be unnamed, so long as the citation identifies the vehicle by its license plate number or vehicle identification number. The citation shall notify the registered owner that if they wish to contest the administrative citation, or do not remit payment of the administrative fine within 10 days of issuance of the administrative citation, they shall be issued a nonadministrative summons or citation. The nonadministrative summons or citation shall notify the registered owner to answer the complaint to be entered against the registered owner at the location and time specified in the summons or citation.
- (b) The registered owner of a vehicle shall be responsible and accountable for the illegal parking, standing, or stopping of the vehicle when:
 - (1) The registered owner committed the illegal parking, standing or stopping of the vehicle; or
 - (2) Another person committed the illegal parking, standing or stopping of the vehicle, but the registered owner gave the person explicit or implicit permission to use the vehicle at the time of the violation.
- (c) In any proceeding for violation of a parking, standing or stopping provision of the traffic code, the license plate number or vehicle identification number of the parked, standing or stopped vehicle shall constitute prima facie evidence that the registered owner was responsible and accountable for the illegal parking, standing or stopping of the vehicle.

(Sec. 15-26.4, R.O. 1978 (1983 Ed.); Am. Ord. 90-77, 04-13)

Sec. 15-26.5 When penal summons or complaint to be issued.

If any person fails to comply with a summons or citation addressed to such person or fails or refuses to deposit bail as required and within the time permitted by the district court, the traffic violations bureau shall forthwith issue a penal summons ordering the person's appearance in the district court or have a complaint entered against such person and secure the issuance of a warrant for the person's arrest. (Sec. 15-26.6, R.O. 1978 (1983 Ed.); Am. Ord. 90-77)

Sec. 15-26.6 Offenses under former ordinances saved.

Nothing contained in any provision of this traffic code shall apply to an act done or omitted, or to an offense committed, at any time before the day that this traffic code became effective. Such act or omission shall be governed by, and any such offense shall be punished according to the provisions of, the ordinances existing when such act, omission or offense occurred, in the same manner as if this traffic code had not been enacted. (Sec. 15-26.7, R.O. 1978 (1983 Ed.))

Sec. 15-26.7 Interpretation.

Wherever consistent with the context of this traffic code, words in the present, past or future shall be construed to be interchangeable with and to include such respective other genders; and words in the singular number shall be construed to include the plural; and in the plural to include the singular, and each shall be construed to be interchangeable with the other. (Sec. 15-26.8, R.O. 1978 (1983 Ed.))

Sec. 15-26.8 Severability.

If any provision of this traffic code is held for any reason invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this traffic code. (Sec. 15-26.9, R.O. 1978 (1983 Ed.))

Sec. 15-26.9 Unspecified penalty and administrative fines.

- (a) Except as otherwise provided in this traffic code, it is a violation for any person to violate any of the provisions of this traffic code unless the violation is by other law of this state declared to be a felony.
- (b) Every person who violates any provision of this traffic code for which another penalty is not provided shall, for a first offense thereof, be fined not less than \$15.00, but not more than \$100.00; for a second offense committed within one year after the date of the first offense, the person shall be fined not less than \$15.00, but not more than \$200.00; and for a third or subsequent offense committed within one year after the date of the first offense, the person shall be fined not less than \$15.00, but not more than \$500.00.
- (c) The amount of the administrative fine shall be \$10.00 less than the fine that would be indicated on a citation for a violation of the same provision. If the administrative fine is paid, the alleged violator shall be deemed not to have committed a violation of that provision.

(Sec. 15-26.10, R.O. 1978 (1983 Ed.); Am. Ord. 90-77, 95-15, 04-13)

Sec. 15-26.10 Illegal parking, standing or stopping--Minimum fine.

- (a) The registered owner of a vehicle which violates any of the following provisions of the traffic code shall be fined not less than \$15.00:
 - (1) Sections 15-13.1, 15-13.3, 15-13.5, 15-13.11 and 15-13.12;
 - (2) Sections 15-14.1, 15-14.2, 15-14.3, 15-14.5, 15-14.6, 15-14.7 and 15-14.9;
 - (3) Sections 15-15.3 and 15-15.4;
 - (4) Sections 15-16.1, 15-16.5, 15-16.6, 15-16.7 and 15-16.8;
 - (5) Sections 15-18.6, 15-18.10(i) and 15-18.10(q);
 - (6) Section 15-22.11, other than subsection (i); and
 - (7) Section 15-23.6.
- (b) The registered owner of a vehicle which violates any of the following provisions of the traffic code shall be fined not less than \$25.00:
 - (1) Section 15-6.7, when the violation is for the parking, standing or stopping of a vehicle in a transit bus lane, bicycle lane, express bus lane or express bus and car pool lane;
 - (2) Section 15-13.4;
 - (3) Section 15-14.8;
 - (4) Section 15-15.1;
 - (5) Sections 15-16.3 and 15-16.4;
 - (6) Section 15-22.11(i); and
 - (7) Section 15-25.1, when the violation is for the parking, standing or stopping of a vehicle on a pedestrian mall.
- (c) Except as otherwise provided in Section 15-16.8, after the first violation of a provision to which the penalty under subsection (a) or (b) applies, every hour a vehicle remains parked, stopped or standing in violation of that provision shall constitute a separate violation.

(Added by Ord. 90-77; Am. Ord. 96-58)

Sec. 15-26.11 Revocation or suspension of license.

In addition to the penalty heretofore provided, the court may revoke or may suspend, for a period not to exceed one year, the license of any operator or chauffeur convicted of a violation of any section or provision of this traffic code involving a vehicle in motion. (Sec. 15-26.11, R.O. 1978 (1983 Ed.))

Sec. 15-26.12 Disposition of fines and forfeitures.

All fines and forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any section or provision of this traffic code shall be paid to the director of finance of the state. All administrative fines shall be paid to the director of budget and fiscal services of the city. (Sec. 15-26.12, R.O. 1978

(1983 Ed.); Am. Ord. 04-13)

**Article 27. Designation of Certain County Highways as Closed to
Large Passenger Carrier Vehicles**

Sections:

15-27.1	Definitions.
15-27.2	Closure of certain streets and highways to large passenger carrier vehicles.
15-27.3	Adoption of rules.
15-27.4	Inapplicability to interstate and foreign commerce.
15-27.5	Posting of signs.
15-27.6	Conflict with certificate of public convenience and necessity or permit issued by public utilities commission.
15-27.7	Information program.
15-27.8	Permits.
15-27.9	Exceptions.
15-27.10	Violation--Penalties.

Sec. 15-27.1 Definitions.

For the purposes of this article, unless otherwise indicated, the following definitions shall apply:

"Director" means the director of transportation services of the city.

"Large Passenger Carrier Vehicle" means any motor vehicle with a vehicle weight, as indicated on the vehicle's certificate of registration, in excess of 15,000 pounds which is designed, constructed and used for the transportation of passengers.

"School" means any "school" as that term is defined in HRS Section 298-41, and any community college, any college, or any university.

"School vehicle" means any publicly or privately owned vehicle that is being used at the time in question to transport pupils or students to or from a school, a school function, or a school-related event.

(Added by Ord. 90-79)

Sec. 15-27.2 Closure of certain streets and highways to large passenger carrier vehicles.

(a) The director may declare heavily traveled city streets or highways to be closed to large passenger carrier vehicles upon finding that the use of those streets or highways by such vehicles is incompatible with the safe and normal movement of traffic on or along those streets or highways. In making its finding of incompatibility, the director shall consider the following:

- (1) Physical suitability of the county street or highway for the vehicles, including condition of the roadway surface, street width, curves, and dangerous intersections;
- (2) Density of neighborhoods adjacent to the street or highway;
- (3) Proximity of the street or highway to schools and playgrounds;
- (4) Pedestrian traffic conditions along the street or highway, including the availability of paved sidewalk areas adequate for pedestrian traffic;
- (5) Existing traffic control devices or aids which control traffic on, entering, exiting, or crossing the street or highway, such as traffic lights, signs, and curb markings;
- (6) Congestion of the county street or highway, generally;
- (7) Use of the street or highway as an official county transit bus route;
- (8) Use of the street or highway by emergency vehicles such as police, fire, and ambulance vehicles;
- (9) The availability of alternative routes for the affected large passenger vehicles.

(b) It is unlawful to operate a large passenger carrier vehicle or to stop, park, or cause to stand a large passenger carrier vehicle on any city street or highway, or portion thereof, designated by the director under subsection (a) of this section.

(Added by Ord. 90-79)

Sec. 15-27.3 Adoption of rules.

The director shall adopt rules pursuant to HRS Chapter 91, to implement and administer the provisions of this article, which shall include the procedures to be followed by the director to designate streets for closure to a large passenger vehicles. (Added by Ord. 90-79)

Sec. 15-27.4 Inapplicability to interstate and foreign commerce.

Neither this article nor any provision thereof shall apply to commerce with foreign nations or to interstate commerce, except insofar as the application is permitted under the Constitution and laws of the United States. (Added by Ord. 90-79)

Sec. 15-27.5 Posting of signs.

The director may post signs indicating that a particular city street or highway is closed to large passenger carrier vehicles. The contents of such signs shall be determined by the director. It shall not be a defense to any prosecution for a violation of any provision of this article that no such sign was posted. (Added by Ord. 90-79)

Sec. 15-27.6 Conflict with certificate of public convenience and necessity or permit issued by public utilities commission.

To the extent that any designation made by the director is in direct conflict with the terms of a certificate of public convenience and necessity or permit issued by the state public utilities commission which specifies particular public streets or highways as permitted routes of a passenger carrier, the terms of the certificate or permit shall govern. (Added by Ord. 90-79)

Sec. 15-27.7 Information program.

The director and the director of finance shall undertake a program to notify public passenger carriers and operators of large passenger carrier vehicles of the provisions of this article and, in particular, of the streets and highways closed to large passenger carrier vehicles under this article. (Added by Ord. 90-79)

Sec. 15-27.8 Permits.

The director or the director of finance shall adopt rules for the issuance of short-term permits for large passenger carrier vehicles to travel on city streets and highways closed under this article for special events. (Added by Ord. 90-79)

Sec. 15-27.9 Exceptions.

This article shall not apply to city transit buses or to school vehicles which are being used at the time in question to transport pupils or students to or from a school, a school function or a school-related event. Any passenger carrier vehicle traveling at the direction of a police officer shall not be deemed in violation of any provision of this article. Any passenger carrier vehicle being operated within the terms of a permit issued pursuant to the rules adopted under Section 15-27.8, shall not be deemed in violation of any provision of this article. (Added by Ord. 90-79)

Sec. 15-27.10 Violation--Penalties.

Any person violating any provision of this article, or rules adopted by the director pursuant to HRS Chapter 91, to implement the provisions of this article, or any person owning or having control of a passenger carrier vehicle who knowingly directs the operator of the vehicle to violate any provision of this article or such rules, shall for a first offense thereof be fined not more than \$100.00; for a second offense committed within one year after the date of the first offense, be fined not more than \$250.00; and for a third or subsequent offense committed within one year after the date of the first offense, be fined not more than \$1,000.00. (Added by Ord. 90-79; Am. Ord. 95-15)