- 41-18.1 Fee for registration, number plates and tags or emblems.
- 41-18.2 Fee for tag or emblem in subsequent years.
- 41-18.3 Fees for the issuance of a new series of number plates, or replacement of lost or mutilated number plates, tags or emblems.
- 41-18.4 Fee for dealer correction.
- 41-18.5 Fee for transfer of title.
- 41-18.6 Fee for duplicate certificates of title.

Sec. 41-18.1 Fee for registration, number plates and tags or emblems.

- (a) The annual fee for the registration of a motor vehicle shall be \$20.00.
- (b) Fees for the number plates and/or tags or emblems shall be:
 - (1)
 Number plate
 \$5.00

 (2)
 Tag or emblem
 .50
- (c) For a registration involving a reassignment of number plates, pursuant to a request from an owner of a motor vehicle registered in the City and County of Honolulu, to another motor vehicle subsequently acquired by the owner, the fee shall be five dollars.
- (d) All fees collected under this section shall be deposited in the general fund.

(Sec. 14-2.1, R.O. 1978 (1983 Ed.); Am. Ord. 92-65, 97-42, 99-24)

Sec. 41-18.2 Fee for tag or emblem in subsequent years.

The fee for the issuance of a tag or emblem for a motor vehicle, upon payment of the applicable tax, in any year in which the number plates do not evidence the payment of the current year's tax, shall be 50 cents. (Sec. 14-2.3, R.O. 1978 (1983 Ed.))

Sec. 41-18.3 Fees for the issuance of a new series of number plates, or replacement of lost or mutilated number plates, tags or emblems.

The fees for the issuance of a new series of number plates, tags, or emblems shall be the same as the fees charged in Section 41-18.1. (Sec. 14-2.4, R.O. 1978 (1983 Ed.))

Sec. 41-18.4 Fee for dealer correction.

The fee for each instance of correction of the registration records shall be ten dollars. (Sec. 14-2.6, R.O. 1978 (1983 Ed.); Am. Ord. 95-31)

Sec. 41-18.5 Fee for transfer of title.

The fee charged to issue a new certificate of title shall be ten dollars. (Sec. 14-2.7, R.O. 1978 (1983 Ed.); Am. Ord. 95-31)

Sec. 41-18.6 Fee for duplicate certificates of title.

The fee for duplicate certificates of title shall be ten dollars. (Sec. 14-2.8, R.O. 1978 (1983 Ed.); Am. Ord. 95-31)

Article 19. General Provisions--Inspection Costs

Sections:

41-19.1 Definitions.

Sec. 41-19.1 Definitions.

Wherever used in this article and Article 20, the following words shall have the meanings herein indicated.

"Applicant" means any person requesting inspectional services from the city.

"Cost" means the amount to be charged by the city for overtime inspections at a rate to be recomputed annually by the director of finance based on current salaries and applicable fringe benefits for inspectors.

"Inspection" means and includes all inspections provided for by law. (Sec. 10-1.1, R.O. 1978 (1983 Ed.))

Article 20. Overtime Inspections

Sections:

41-20.1 Charges.

Sec. 41-20.1 Charges.

- (a) When an applicant requests that an inspection be made during any hour after the normal working hours of an inspector in any workday or on a Saturday, Sunday or legal holiday, the applicant shall bear the cost of such inspection, and shall pay said cost to the city, prior to the final approval of any project so inspected.
- (b) The moneys so realized shall be general realizations and the same shall be deposited into the general fund. (Sec. 10-2.1, R.O. 1978 (1983 Ed.))

Article 21. Smoking

Sections:

- 41-21.1 Definitions.
- 41-21.2 Prohibition of smoking in certain places.
- 41-21.3 Exceptions.

- 41-21.4 Signs.
- 41-21.5 Violation--Penalty.
- 41-21.6 Enforcement--Administration.
- 41-21.7 Fire code.
- 41-21.8 Severability.
- 41-21.9 Conflict with HRS Chapter 328K.

Sec. 41-21.1 Definitions.

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

"Bar," for a July 1 to June 30 period, means a place that was devoted to the serving of alcoholic beverages for on-site consumption by patrons and where the service of food was only incidental to the consumption of such beverages during the previous July 1 to June 30 period, whether or not the place was open for business during that entire period. When the preceding sentence does not apply to a place because it was not open for business in the previous July 1 to June 30 period, the place may choose to be a "bar" from the date it first opens for business until the next June 30 if, during that time, the place is devoted to the serving of alcoholic beverages for on-site consumption by patrons and the service of food in the place is only incidental to the consumption of such beverages. "Incidental" means less than one third of gross sales of alcoholic beverages as opposed to food sales.

"Building" means a structure with at least three walls.

"Commercial building" means a building occupied by two or more commercial tenants.

"Food court" means an area with more than one restaurant and seating that is not subject to the exclusive use or possession of any restaurant, but is made available to the patrons of every restaurant in or other tenant of the area. The definition of "food court" under Section 9-3.5 shall not apply to this article.

"Food court seating area" means the portion of a food court with unreserved seating for patrons of any restaurant or other tenant of the food court. An "enclosed or partially enclosed food court" means a food court that is within an "enclosed or partially enclosed area" as defined under Section 41-21.2(i).

"Hotel" means the same as is defined by Section 21-10.1.

"Multifamily dwelling" means the same as is defined by Section 21-10.1.

"Open to the public" means areas within any building available for use by or accessible to the general public during the normal course of business conducted therein by either private or public entities.

"Restaurant" means any retail eating establishment where food is served or provided for on-site consumption by seated patrons that is authorized by the state department of health to operate as a food establishment, including any private food establishment or club in which only members or their guests are permitted, but excluding a "bar." If a restaurant includes an area devoted to the serving of alcoholic beverages, that area shall be deemed part of the "restaurant," not a separate "bar," for this article. An establishment that is a "restaurant" shall have that status for all hours of operation.

"Retail department store" means a retail establishment organized or arranged into five or more departments and consisting of a total selling floor space of at least 22,000 square feet.

"Separate open air area of a restaurant" means an area, roofed or not, of a restaurant's premises that is both:

- (1) Directly exposed to the outside environment on every side, except a side abutting (A) an indoor area of the restaurant, (B) any building that does not house the restaurant, or (C) any other enclosed or partially enclosed place or area where smoking is prohibited by this article or HRS Chapter 328K; and
- (2) Entirely separated from any abutting area, building, or place listed under subdivision (1) by either of the following:
 - (A) At least 10 feet of space that is outside the walls of the building housing the restaurant; or
 - (B) A solid wall (i) without any opening or (ii) with either or both of the following, but no other opening: a closable doorway that stays closed except when a person passes through or a closable serving window that stays closed except when food, drink, or eating ware is passed through. A "solid wall" means a wall constructed of rigid material that reaches from floor to ceiling. It may have an unopenable plate glass window. A "serving window" means a window through which food, drink, or eating ware may be passed from one area of a restaurant to another area of the restaurant.

A side of a restaurant area shall be deemed "directly exposed to the outside environment" if the entire side is unenclosed or enclosed only by a barrier of not more than four feet high from the floor. An "indoor area of a restaurant" means the area within the walls of the building housing all or part of a restaurant's premises.

"Smoke" or "smoking" means and includes inhaling or exhaling upon, burning or carrying any lighted smoking equipment for tobacco; the personal habit commonly known as smoking. (Sec. 13-42.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 93-24, 93-68, 97-20, 02-06)

Sec. 41-21.2 Prohibition of smoking in certain places.

Except as otherwise provided herein, smoking shall be prohibited in the following places within the City and County of Honolulu:

- (a) Elevators in buildings generally open to and used by the public, including elevators in apartment and other multiunit residential buildings.
- (b) Patient rooms, wards, waiting rooms, lobbies and public hallways of public and private health care facilities, including, but not limited to, hospitals, clinics, and physicians' and dentists' offices.
- (c) Any room which is primarily used for exhibiting any motion picture, stage drama, dance, musical performance or other similar performance during the time that said room, hall or auditorium is open to the public for such exhibition.
- (d) Museums, libraries and galleries.
- (e) All areas within city-owned or controlled buildings except any dwelling unit or lodging unit, as those terms are defined by Section 21-10.1, when not used as a child care, adult day care or health care facility.
- (f) Except as provided in Section 41-21.3 or as limited by this subsection, all areas in business or charitable establishments. For the purposes of this subsection, a "business" means any sole proprietorship, partnership, joint venture, business trust, limited liability company, business corporation, professional corporation, or other business entity formed for profit-making

purposes, and "business establishment" includes, but is not limited to, any of the following establishments operated by a business:

No distinction for tobacco retail stores

Any school;

Any hotel, except individual hotel rooms;

Any financial institution;

Any industrial, commercial or wholesale establishment;

Any utility;

(6) Any retail establishment where goods or services are sold, leased or otherwise provided to the public or to another business;

- (7) Any bar within an enclosed or partially enclosed food court; or
- (8) Any restaurant; except that smoking shall be permitted in a separate open air area of a restaurant when the business operating the restaurant refrains from designating the area as nonsmoking pursuant to subsection (h).
- (g) Rest rooms. Any rest room open to the public in places specified in this section.
- (h) Notwithstanding Section 41-21.3, any area of any bar, hotel room, restaurant, or governmental property which has been designated by the owner, operator, manager or other persons having control of such property as a nonsmoking area and marked with a "no smoking" sign or signs.
- (i) All enclosed or partially enclosed areas within multifamily dwellings that are open to the common use of all unit owners or residents, including but not limited to lobbies, hallways, corridors, stairways, waiting areas, and recreation areas within multifamily dwellings. For purposes of this subsection, "enclosed or partially enclosed areas" means areas closed in by a roof or overhang and at least one wall. An area commonly described as a lobby or roofed mall shall be deemed enclosed or partially enclosed for purposes of this subsection.
- (f) All enclosed or partially enclosed areas within commercial buildings not subject to the exclusive use and possession of a tenant and open to the common use of the tenants of the building and their employees and customers, including but not limited to common entrance areas, lobbies, malls, food court seating areas, hallways, corridors, escalators, stairways, and waiting or rest areas within commercial buildings. For purposes of this subsection, an enclosed or partially enclosed area is any area for human occupancy that is contained on two or more sides by walls and is covered by a roof, ceiling, or overhang, such that the area of all permanent openings from the space to the open air is less than 50 percent of the combined areas of the walls and ceiling, roof, or overhang. If a wall does not meet the floor or the ceiling, roof or overhang, the calculation shall be based on the vertical projection of the wall to the plane of the floor or the plane of the ceiling, roof or overhang. Permanent openings shall not include doors or windows which are capable of being closed.

 [A) In the event that a building is both a multifamily dwelling and a commercial building as defined in this article, all areas.
- (k) In the event that a building is both a multifamily dwelling and a commercial building as defined in this article, all areas except for private residences.
- (1) All vehicles owned or leased by the city.
- (m) All areas within the following parks, recreation areas or facilities under the maintenance of the department of parks and recreation and the department of enterprise services, except such areas within each site as the department of parks and recreation or the department of enterprise services may designate by appropriate signs as areas within which smoking is permissible:
 - (1) Honolulu Zoo;
 - (2) Hanauma Bay Nature Preserve;
 - (3) Koko Crater Botanical Garden;
 - (4) Waikiki Shell;
 - (5) Duke Paoa Kahanamoku Beach Park;
 - (6) Kapiolani Beach Park;
 - (7) Kapiolani Park Beach Center;
 - (8) Kapiolani Park;
 - (9) Kuhio Beach Park; and
 - (10) Sandy Beach Park.
- (n) All sandy beach areas of Ala Moana Regional Park under the maintenance of the department of parks and recreation. (Sec. 13-42.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 93-24, 93-68, 93-92, 96-58, 97-20, 99-64, 02-06, 13-5, 13-27, 13-28)

Sec. 41-21.3 Exceptions.

Smoking shall not be prohibited in the following places under this article:

- (a) Private residences, except when used as a child care, adult day care or health care facility;
- (b) Any hotel room;
- (c) Any bar that is not within an enclosed or partially enclosed food court; and
- (d) Any separate open air area of a restaurant where smoking is permitted by the business operating the restaurant pursuant to Section 41-21.2(f)(8).

(Sec. 13-42.3, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 97-20, 02-06, 13-27, 13-28)

Sec. 41-21.4 Signs.

- (a) Clearly legible signs which include the words "smoking prohibited by law" with letters of not less than one inch in height shall be conspicuously posted in all places where smoking is prohibited by this article or the owner, operator, manager or other person having control of such place.
- (b) Alternate means of notification (individual place cards, film clips, etc.) may be employed provided the effect thereof is equivalent to the notice given by signs described in subsection (a) of this section.
- (c) Any person violating any of the provisions of this section shall be issued a notice of violation and shall comply with the provisions of this section within 10 days. Thereafter, the violation shall carry a fine of not more than \$25.00. Each violation cited shall constitute a separate offense.

(Sec. 13-42.4, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 97-57, 02-06)

Sec. 41-21.5 Violation—Penalty.

- (a) It is unlawful for any person to smoke in a place within the City and County of Honolulu where smoking is prohibited.
- (b) Except as otherwise provided, any person violating any of the provisions of this article shall be punished by:
 - (1) A fine of not more than \$100.00 for a first violation;
 - (2) A fine not exceeding \$200.00 for a second violation within one year of the date of the first violation; and
 - A fine not exceeding \$500.00 for each additional violation of this article within one year of the date of the preceding violation.

(Sec. 13-42.5, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 93-68, 97-20)

Sec. 41-21.6 Enforcement—Administration.

- (a) Summons or Citation.
 - (1) There shall be provided for use by an officer or employee of the city duly authorized to issue a summons or citation, or any police officer a form of summons or citation for use in citing violators of this article which does not provide for 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 court, shall be printed on a form commensurate with the form of other summons or citations used in modern methods of arrest, and so designed 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.
 - (2) In every case, when a citation is issued, the original of the same shall be given to the violator; provided, that the administrative judge of the district court may prescribe that the violator be given a carbon copy of the citation and provide for the disposition of the original and any other copies.
 - (3) Every citation shall be numbered, and each carbon copy shall bear the same number as its original.
- (b) Enforcement and administration of the provisions of Section 41-21.4 shall be under the jurisdiction of the department of planning and permitting of the City and County of Honolulu, which department shall have the power to formulate any applicable rules and regulations necessary to carry out the provisions of Section 41-21.4.
- (c) Except as provided in subsection (b) of this section, enforcement of this chapter shall be under the jurisdiction of the Honolulu police department.
- (d) In addition to the foregoing, any police officer or other officer or employee of the city duly authorized to issue a summons or citation may eject from the premises any person to whom a citation has been issued and who continues to smoke after the person has been requested by the police officer or other duly authorized officer or employee to stop smoking.

(Sec. 13-42.6, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 02-06)

Sec. 41-21.7 Fire code.

Nothing in this article shall be construed as superseding applicable fire code provisions. Where a conflict between the provisions of this article and the fire code arises, the fire code provision will prevail. (Sec. 13-42.7, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 41-21.8 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable. (Sec. 13-42.8, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 41-21.9 Conflict with HRS Chapter 328K.

- (a) If any provision of this article conflicts with any provision of HRS Part I, Chapter 328K, or any successor statute, the more stringent provision shall control.
- (b) If any violation of this article also constitutes a violation of HRS Chapter 328K, or any successor statute, the violator shall be subject to the penalties and procedures set forth under this article.
- (c) This section shall not be deemed to limit the powers granted to the city under HRS subsection 328K-5(g) or any successor statute, to enforce, administer, and adopt rules necessary to carry out HRS Section 328K-4, or any successor statute. (Added by Ord. 93-24; Am. Ord. 02-06)

Article 22. Banners Displayed from Lampposts

Sections:

- 41-22.1 Declaration of legislative intent.
- 41-22.2 Definitions.
- 41-22.3 Powers and duties.
- 41-22.4 Application required--Compliance.
- 41-22.5 Application process and fees.
- 41-22.6 Submittal to commission on culture and the arts.
- 41-22.7 Denial of banner application.
- 41-22.8 Revocation of approval.
- 41-22.9 Rules and regulations.

Sec. 41-22.1 Declaration of legislative intent.

(a) While it is in the public interest to foster sightliness and physical good order within the City and County of Honolulu, it is also in the public interest to promote public festivals that can bring the residents of the City and County of Honolulu and