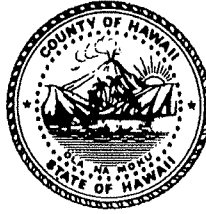


County of Hawai'i
Council District 9 -
North and South Kohala

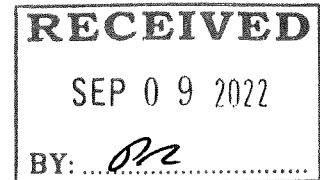


Phone: (808) 961-8564
(808) 887-2069
Email: tim.richards@hawaiicounty.gov


Chair: Committee on Regenerative
Agriculture, Water, Energy, &
Environmental Management


HERBERT M. "TIM" RICHARDS, III
HAWAI'I COUNTY COUNCIL
District 9

25 Aupuni Street, Ste. 1402, Hilo, Hawai'i 96720



DATE: September 7, 2022

TO: Ramzi Mansour, Director 
and Georjean Adams, Chair, Environmental Management Commission

FROM:  Herbert M. "Tim" Richards, III, Council Member
Council District 9 - North and South Kohala

SUBJECT: Referral of Bill 200, Draft 2; An Ordinance amending Chapter 20, of the Hawai'i
County Code 1983 (2016 Edition, as amended), relating to vehicle disposal.

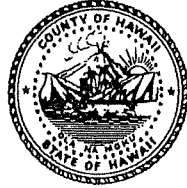
Pursuant to Section 2-207 of the Hawai'i County Code, I am submitting Bill 200 for your comment and recommendation. I also request that you forward this to the Environmental Management Commission for comment and recommendation, as required. An extra copy is attached for their use. Section 2-207 requires that the comments/recommendations be returned within 45 days.

At its meeting of September 6, 2022, the Committee on Regenerative Agriculture, Water, Energy, and Environmental Management voted 8 "ayes" and 1 "excused" to approve the referral to your department and the commission.

After your and the Commissions' review, please return all comments and recommendations to the Council Chair for proper referral going forward.

Thank you for your attention to this matter.

TR/dbk
Attached: Bill 200, Draft 2



BILL NO. 200
(DRAFT 2)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 20, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO VEHICLE DISPOSAL.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Chapter 20, article 3, section 20-03-03, of the Hawai'i County Code 1983 (2016, as amended), is repealed.

~~“[Section 20-03-03.— Prohibition; disposition of abandoned or derelict vehicles.~~

- ~~(a) No person shall leave, abandon, or place any wrecked or nonoperational automobile or construction equipment or part or portion of a wrecked or nonoperational automobile or construction equipment, or scrap iron, or other similar material, upon any part of a public highway, public property, or private property of another.~~
- ~~(b) The department shall take into custody and dispose of abandoned or derelict vehicles in accordance with chapter 290, Hawai'i Revised Statutes.~~
- ~~(c) The removal of abandoned or derelict vehicles shall be subject to the following:

 - ~~(1) The department shall only remove abandoned or derelict vehicles that are located on or within ten feet from the edge of any public or private road;~~
 - ~~(2) The department shall not remove abandoned or derelict vehicles from any area, if the director determines that the area is unsafe for a tow truck to traverse; and~~
 - ~~(3) All decisions to tow shall be subject to the discretion of the director.~~~~
- ~~(d) The director shall develop and implement a public outreach program to educate residents, community associations, road corporations, tow companies, and the public about the disposition of abandoned or derelict vehicles including the procedures for reporting abandoned or derelict vehicles.~~
- ~~(e) The department shall adopt rules regarding the disposition of abandoned or derelict vehicles, that are in accord with chapter 290, Hawai'i Revised Statutes.]”~~

SECTION 2. Chapter 20, of the Hawai'i County Code 1983 (2016, as amended), is amended by adding a new article to read as follows:

“Article 7. Disposal of Vehicles and Similar Materials.

Division 1. Abandoned and Derelict Vehicles.

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

- (a) No person shall leave, abandon, or place any wrecked or nonoperational automobile or construction equipment or part or portion of a wrecked or nonoperational automobile or construction equipment, or scrap iron, or other similar material, upon any part of a public highway, public property, or private property of another.
- (b) The department shall take into custody and dispose of abandoned or derelict vehicles in accordance with chapter 290, Hawai'i Revised Statutes.
- (c) The removal of abandoned or derelict vehicles shall be subject to the following:

 - (1) The department shall only remove abandoned or derelict vehicles that are located on or within ten feet from the edge of any public or private road;
 - (2) The department shall not remove abandoned or derelict vehicles from any area if the director determines that the area is unsafe for a tow truck to traverse;
 - (3) A notice shall be affixed to an abandoned or derelict vehicle stating that the vehicle must be moved beyond a radius of one mile from its location within twenty-four hours of the notice being affixed;
 - (4) If an abandoned or derelict vehicle has not moved beyond a radius of one mile from its location within twenty-four hours of a notice being affixed, the vehicle will be classified as abandoned and subject to removal; and
 - (5) All decisions to tow shall be subject to the discretion of the director.
- (d) The director shall develop and implement a public outreach program to educate residents, community associations, road corporations, tow companies, and the public about the disposition of abandoned or derelict vehicles including the procedures for reporting abandoned or derelict vehicles.
- (e) The department shall adopt rules regarding the disposition of abandoned or derelict vehicles, that are in accord with chapter 290, Hawai'i Revised Statutes.

Division 2. Vehicle Disposal Assistance.

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

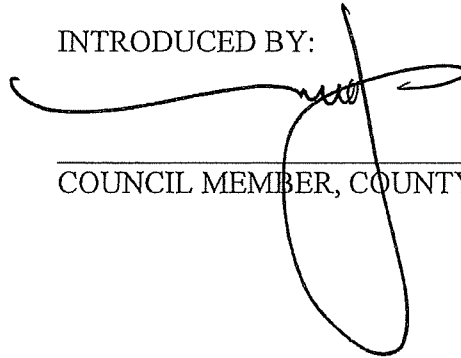
- (a) The department shall establish a vehicle disposal assistance program to assist Hawai'i County residents with disposal of vehicles. Assistance shall be contingent on the availability of funds within the County's vehicle disposal fund, and at the discretion of the director.
- (b) Applications for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

SECTION 3. Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

SECTION 4. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

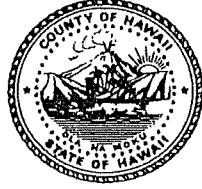
A handwritten signature in black ink, appearing to be 'Neil', written over a horizontal line.

COUNCIL MEMBER, COUNTY OF HAWAI'I

_____, Hawai'i
Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:

REFERENCE Comm. 938.2

Matt Kāneali'i-Kleinfelder
Hawai'i County Council
District 5
Phone No.: (808) 961-8263
matt.kanealii-kleinfelder@hawaiicounty.gov



Finance Committee
Chair

Public Works & Mass Transit Committee
Vice Chair

Hawai'i County Council
County of Hawai'i
Hawai'i County Building
25 Aupuni Street, Suite 2405 • Hilo, Hawai'i 96720

To: Maile David, Council Chair
and Members of the Hawai'i County Council

From: *MK* Matt Kāneali'i-Kleinfelder, Council Member

Date: September 6, 2022

Re: Transmitting Bill No. 200, Draft 2; A Bill for an Ordinance Amending Chapter 20, of the Hawai'i County Code 1983 (2016 Edition, as Amended), Relating to Vehicle Disposal.

2022 SEP - 7 AM 9: 47
COUNTY CLERK
COUNTY OF HAWAII

Please find attached Bill No. 200, Draft 2. This Draft 2 is the result of the Committee on Regenerative Agriculture, Water, Energy and Environmental Management's amendment of Bill No. 200 with the contents of Communication No. 938.1, during its September 6, 2022 meeting.

MKK/lk:lc
att

<Bill 200, Draft 2>

Comm. No. 938.2
Ref. To: P/RANEEMC
Ref. Date SEP - 6 2022