

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Boating and Ocean Recreation  
333 Queen Street  
Honolulu, Hawaii 96813

July 27, 2007

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, HI

REQUEST FOR PREIMINARY APPROVAL TO AMEND  
HAWAII ADMINISTRATIVE RULES, SECTION 13-233, AS  
THEY RELATE TO MOTOR VEHICLE AND PARKING  
RULES.

**STATUTE:** Sections 200-2, 200-3, and 200-4, Hawaii Revised Statutes

**PURPOSE:** Amend administrative rules to allow the division the ability to effectively manage motor vehicle parking within the state small boat harbors and related facilities, provide additional security which will be a requirement of a parking management permit, and increase fees to provide the division additional funds to improve the state boating facilities and fund other Boating program activities, and to comply with HRS 91-5 (a) requiring revision and compellation of rules every ten years.

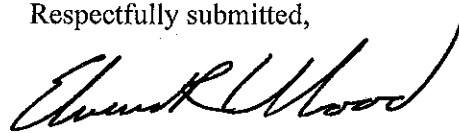
**REMARKS:** The Hawaii Administrative Rules (HAR) that pertain to motor vehicle parking within the state small boat harbors and related facilities are to restrictive and do not allow the division the ability to effectively manage the parking situations at the various small boat harbors and facilities around the State. The division would like to standardize the parking rules for all the state small boat harbors and facilities and have the ability to make changes to vehicle parking configurations as needs dictate. Also, the fees for vehicle parking have not increased since the division was transferred from the DOT to DLNR in February 1994. The division will offer reduced rates to harbor tenants; however, members of the general public that are not harbor tenants will be charged an hourly fee for parking within the harbor. The division proposes to hire parking vendors to manage parking within the harbors due to limited staff and that a parking company would be better suited to manage operations because it is their area if expertise.

**RECOMMENDATIONS:**

That the Board:

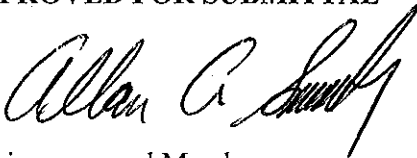
1. Grant preliminary approval to conduct public hearings on the islands of Oahu, Maui, Lanai, Molokai, Hawaii, and Kauai on the proposed amendments to the Hawaii Administrative Rules.
2. Affirm to the Department to schedule the public hearings on these rules as expeditiously as possible following the Governor's approval to conduct public hearings.
3. Authorize the Chairperson to appoint a hearing master to conduct public hearings to receive written and verbal testimony concerning the proposed amendments.

Respectfully submitted,



Edward R. Underwood  
Administrator

**APPROVED FOR SUBMITTAL**



Chairperson and Member

DEPARTMENT OF LAND AND NATURAL RESOURCES  
Amendment and Compilation of Chapter 13-233  
Hawaii Administrative Rules  
(date)

SUMMARY

1. §13-233-1 is amended.
2. §§13-233-5 to 13-233-8 are amended.
3. §13-233-14 is repealed.
4. §13-233-20 is amended.
5. §13-233-24 is repealed.
6. §§13-233-26 to 13-233-31 are amended.
7. §13-233-34 is amended.
8. §§13-233-40 and 13-233-42 are repealed.
9. §§13-233-43 to 13-233-44 are amended.
10. Exhibits "1," "2," and "3" are repealed.
11. Chapter 233 is compiled.

Rules Amending Title 13  
Hawaii Administrative Rules

(date)

1. Chapter 233 of Title 13, Hawaii Administrative Rules, entitled "Motor Vehicle and Parking Rules" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART I SMALL BOAT HARBORS

CHAPTER 233

MOTOR VEHICLE AND PARKING RULES

Subchapter 1 Motor Vehicle Rules

§13-233-1	General statement; traffic code and county ordinances
§13-233-2	Licensing and safety inspection
§13-233-3	Operation of motor vehicles
§13-233-4	Traffic controls
§13-233-5	Speed restrictions
§13-233-6	Parking
§13-233-7	Public parking
§13-233-8	Removal of vehicles
§13-233-9	Application
§13-233-10	Parking in construction areas and on special occasion
§13-233-11	Repealed
§13-233-12	Repealed
§13-233-13	Operation, parking, or storage of bicycles or play vehicles
[§13-233-14	Parking permits; Lahaina boat harbor]
§13-233-15	
To	
§13-233-19	(Reserved)

## Subchapter 2 Parking Meter Zones

§13-233-20	Establishment of <u>paid parking</u> [meter ] zones
§13-233-21	Repealed
§13-233-22	Repealed
§13-233-23	Repealed
[§13-233-24	Parking time limits and meter operating hours]
§13-233-25	Repealed
§13-233-26	Charges for parking
§13-233-27	Charges for enclosure or obstruction of <u>paid parking</u> [meter ] stalls, incidental to construction, etc
§13-233-28	Harbor tenants - parking permits
§13-233-29	Eligibility for parking permits; fee per vehicle
§13-233-30	Replacement of mutilated stickers
§13-233-31	Transfer of permits
§13-233-32	Cancellation of permits
§13-233-33	Revocation of parking permits
§13-233-34	Violations and penalties
§13-233-35	to
§13-233-39	(Reserved)

## Subchapter 3 Vessel Owner Parking Zone

[§13-233-40	Establishment of vessel owner parking zone]
§13-233-41	Repealed
[§13-233-42	Vessel owner parking permits]
§13-233-43	Eligibility for parking permits; fee per vehicle
§13-233-44	Violations and penalties

Historical note. This chapter is based on motor vehicle and traffic rules, paid parking [meter] zones, and vessel owner parking zones of the small boat harbors rules, effective November 5, 1985, and as amended thereafter, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction of recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division to the Department of Land and Natural Resources,

Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

Subchapter 1 Motor Vehicle Rules

§13-233-1	General statement; traffic code and county ordinances
§13-233-2	Licensing and safety inspection
§13-233-3	Operation of motor vehicles
§13-233-4	Traffic controls
§13-233-5	Speed restrictions
§13-233-6	Parking
§13-233-7	Public parking
§13-233-8	Removal of vehicles
§13-233-9	Application
§13-233-10	Parking in construction areas and on special occasion
§13-233-11	Repealed
§13-233-12	Repealed
§13-233-13	Operation, parking, or storage of bicycles or play vehicles
[§13-233-14	Parking permits; Lahaina boat harbor]
§13-233-15	
To	
§13-233-19	(Reserved)

§13-233-1 General statement; traffic code and county ordinances. The Statewide [t]Traffic [c]Code, chapter 291C, Hawaii Revised Statutes, as amended, and any other applicable ordinances of the particular county in which a small boat harbor is located, shall apply to the operation of motor vehicles on the parking areas and roadways of a small boat harbor just as though the parking areas and roadways are a part of the public streets, roads, or highways of the particular county involved, and by reference, are incorporated in these rules and made a part hereof as though fully recited in these rules. [Eff 2/24/94; am and comp ] (Auth: HRS §§200-2, 200-3) (Imp: HRS §§200-2, 200-3)

§13-233-2 Licensing and safety inspection. No vehicle shall be operated or parked at a small boat harbor unless such vehicle is currently licensed by the appropriate governmental agency and has the required evidence of safety inspection. [Eff 2/24/94; comp ] (Auth: HRS §§200-2, 200-3) (Imp: HRS §§200-2, 200-3)

§13-233-3 Operation of motor vehicles. No motor vehicle shall be operated in a small boat harbor in a careless or negligent manner or in disregard of the rights and safety of others, or without due caution or circumspection, or at a speed or in a manner which endangers or is likely to endanger person or property, or while the operator thereof is under the influence of intoxicating liquor, or narcotic or habit forming drugs, or if the vehicle is so constructed, equipped, loaded, or in a condition which would endanger or be likely to endanger other persons or other person's property. [Eff 2/24/94; comp ] (Auth: HRS §§200-2, 200-3) (Imp: HRS §§200-2, 200-3, 291E-61 et seq.)

§13-233-4 Traffic controls. All vehicular traffic shall comply with any lawful order, notice, signal, or direction of any regular or special police officer. When such traffic is controlled by signs and pavement markings, the signs and markings shall be obeyed unless a regular or special police officer directs otherwise. [Eff 2/24/94; comp ] (Auth: HRS §§200-2, 200-3) (Imp: HRS §§200-2, 200-3)

§13-233-5 Speed restrictions. (a) Basic rules and maximum limits.

- (1) No person shall drive a vehicle on a roadway or in any parking lot maintained within a small boat harbor at a speed greater than is reasonable and prudent under the existing conditions[ and without regard to the actual and potential hazards then existing]. [In every event]Vehicular speed shall be [so ]controlled as [may be ]necessary and with due care to avoid colliding with any person, vehicle, or other [conveyance on or entering the roadway or parking lot in compliance with legal requirements and the duty of all persons to use due care]structure.
- (2) Except when a special hazard exists that requires lower speed for compliance with paragraph (1) the limits specified in this section or established as authorized by this section shall be maximum lawful speeds, and no person shall drive a vehicle on a roadway or in any parking lot within a small boat harbor at a speed in excess of these maximum limits.
  - (A) Ten miles per hour. Any pier, wharf, other

structure, or parking lot.

- (B) Fifteen miles per hour. Any roadway eighteen feet or less in width.
  - (C) Twenty five miles per hour on a roadway where the speed limit has not been otherwise established.
- (3) The maximum speed limits set forth in this section may be altered as authorized in subsection (b).
  - (4) The driver of every vehicle shall, consistent with the requirements of paragraph (1), drive at an appropriate reduced speed when approaching and going around a curve, when traveling upon any narrow or winding roadway, when a special hazard exists with respect to pedestrians or other traffic by reason of weather or road conditions, and unless directed to stop by a police officer or traffic control device, when approaching and crossing an intersection.
  - (5) Whenever the department [shall ]determines upon the basis of an engineering and traffic investigation that any maximum speed limit established in this section is greater than is reasonable or safe under the conditions found to exist at any horizontal or vertical curve upon any part of a roadway, the department may post a recommended safe speed thereat which shall serve as a guide to vehicle drivers at all times when they are using the road.

(b) Establishment of speed zones. Whenever the department [shall ]determines upon the basis of an engineering and traffic investigation that any maximum speed [hereinbefore ]set forth under subsection (a) is less than is reasonable under the conditions found to exist at any part of a small boat harbor roadway system, the department may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. The maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate signs.

(c) Special speed limitation.

- (1) No person shall drive any vehicle equipped wholly or partly with solid rubber tires at a speed

greater than ten miles per hour.

- (2) No vehicle transporting any explosive as cargo or part of a cargo shall be operated upon any roadway in a small boat harbor at a speed in excess of twenty miles per hour.

(d) Speed contest. It shall be unlawful for any person to engage in, or to aid or abet by whatever means, any motor vehicle speed contest or exhibition of speed within a small boat harbor.

(e) Speed restrictions not applicable to emergency vehicles. The speed restrictions set forth in this section shall not apply to an authorized emergency vehicle when responding to an emergency call, or when used in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm. [Eff 2/24/94; am and comp ]

(Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-233-6 Parking. Except as otherwise authorized by the department, no person shall stop, park, or permit to remain halted, a motor vehicle in a small boat harbor:

- (1) In front of a driveway or land side of a launching ramp;
- (2) For the purposes of washing, polishing, greasing, or repairing of a vehicle except for those minor repairs necessary to remove the vehicle to an authorized area or from a small boat harbor;
- (3) Other than in accordance with officially posted signs; or
- (4) For more than [seventy-two]twenty-four hours without a valid parking permit [or sticker] issued by the department, not to exceed a maximum of 120 hours.

[Eff 2/24/94; am and comp ]

(Auth: HRS

§§200-2, 200-4) (Imp: HRS §§200-2,

200-4)

§13-233-7 Public parking. As may from time to time be prescribed by the department, no person shall use any public parking area without payment of parking fees and charges [in areas where the fees and charges are properly designated by posted signs] and may only park in areas designated by the department. The department may establish such areas by signage as convenient and efficient public use of a small boat harbor may dictate. [Eff 2/24/94; am and comp ]

(Auth: HRS §§200-2, 200-4)

(Imp: HRS §§200-2, 200-4)

§13-233-8 Removal of vehicles. The department shall have the authority to detain, tow, move, or cause to be moved to an impounding area, at the owner's risk and expense and without liability for any damage which may result, any motor vehicle:

- (1) For nonpayment of parking charges when the vehicle is parked in parking areas operated by the department or authorized representative in a small boat harbor;
- (2) Which has been parked continuously anywhere in a vehicular parking area operated by the department or authorized representative in a small boat harbor for a period [of more than seventy-two hours]exceeding the posted time limits, except when prior arrangements have been made therefore;
- (3) When the position or location of the vehicle in a small boat harbor creates a nuisance or a hazard; provided, that any detention, towing, or moving, done or caused to be done by the department, or authorized representative of any vehicle legally parked at a small boat harbor, shall not be at the owner's risk and expense; [and]
- (4) When parked in violation of section 13-233-6[.]and;
- (5) When any vehicle is used in any way for commercial or business use for storage of equipment or other business-related activity without a valid permit issued by the department.

[Eff 2/24/94; am and comp ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-233-9 Application. These rules shall apply with equal force to motor vehicles on lease, rent, or loan to any person. The owner or operator of any motor vehicle using facilities or space within a small boat harbor shall be subject to all charges, rules, and conditions as prescribed by these rules. [Eff 2/24/94; comp ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-233-10 Parking in construction areas and on special occasion. The chairperson may whenever in the chairperson's judgment it is deemed necessary, prohibit or restrict the parking of any vehicle on either or both sides of any roadway, parking lot, or other location or portion thereof, constituting all or part of an area affected by

construction, repairs, or maintenance activities, a part of the route of a parade or a procession, or on any special occasion, and also upon any roadway, parking lot, or other location adjacent thereto by the erection or placement of temporary signs setting forth such restrictions. When the signs are erected or placed prior to construction, repairs, maintenance, parade, procession, or special occasion, it shall be unlawful to park or leave unattended any vehicle in violation of the signs. The department may remove or cause to be removed at the owner's expense, any vehicle left unattended or parked in violation of the signs. [Eff 2/24/94; comp ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-233-11 Repealed. [R 6/28/00]

§13-233-12 Repealed. [R 6/28/00]

§13-233-13 Operation, parking, or storage of bicycles or play vehicles. (a) This section is applicable only in Ala Wai and Keehi boat harbors. As used in this section, "bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels which are sixteen inches in diameter or greater, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

(b) Effect of section.

(1) The parent of any child or the guardian of any ward shall not authorize or knowingly permit the child or ward to violate this section.

(2) This section applicable to bicycles and play vehicles shall apply whenever a bicycle or play vehicle is ridden, operated, parked, or stored within the confines of a small boat harbor.

(c) Bicycle tax. No bicycle shall be used for conveyance of any person within the confines of a small boat harbor unless the annual tax has been paid and a valid license tag is attached to the bicycle in accordance with section 249-14, Hawaii Revised Statutes.

(d) Riding on sidewalks or piers. The department may erect signs on any sidewalk, roadway, pier, wharf, catwalk, or other location prohibiting the riding of bicycles thereon, and when such signs are in place, no person shall disobey the same.

(e) Parking or storage of bicycles. No person shall park, store, place, or leave a bicycle on catwalks, piers,

sidewalks, roads, parking areas, or any other public area except in bicycle parking racks.

(f) Traffic and bicycle equipment laws applicable to persons riding bicycles. Every person riding a bicycle within the confines of a small boat harbor shall be granted all the rights and shall be subject to all the duties applicable to the bicycle operator and to the driver of a vehicle by chapter 291C (Statewide Traffic Code), Hawaii Revised Statutes, which by reference is hereby incorporated in these rules and made a part hereof as though fully recited herein, except as to those provisions of chapter 291C which by their nature can have no application to a bicycle operator. [Eff 2/24/94; comp ]  
(Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

[§13-233-14 Parking permits; Lahaina boat harbor. (a) This section is applicable at all times within Lahaina boat harbor. Parking, stopping, or standing within the Lahaina boat harbor is restricted to stalls established, marked, and designated by the Maui district manager, division of boating and ocean recreation.

(b) Parking, stopping, or standing in the stalls is limited to vehicles displaying a valid regular or temporary parking permit issued by the department; provided that a person may stop or stand any vehicle in a parking stall or elsewhere in the harbor for a period not to exceed ten minutes for the purpose of and while actually engaged in loading or unloading the vehicle.

(c) Regular parking permits, not to exceed one hundred eighty at any time, shall be allocated as follows:

- (1) First priority. The owner, co-owner, or master of a registered or documented vessel moored in Lahaina boat harbor in accordance with a valid regular mooring permit who applies for a parking permit shall have priority for one parking permit over other applicants for a parking permit on a one-to-a-boat basis. Fee per vehicle shall be \$12 per calendar quarter except the fee shall be \$30 per calendar quarter if the permittee also has a commercial mooring permit.
- (2) Second priority. If all of the applicants with a priority for a parking permit pursuant to paragraph (1) have been issued permits, the owner, co-owner, or master of a registered or documented vessel not moored in Lahaina boat harbor but principally used in the waters surrounding the Island of Maui, who applies for a

parking permit, shall have priority for one parking permit over other applicants enumerated in paragraph (3). The eligible individual shall personally apply, presenting proof of vessel ownership or designation as master of the vessel at the time. Fee per vehicle shall be \$15 per calendar quarter except the fee shall be \$30 per calendar quarter if the permittee also has a commercial mooring permit.

- (3) Third priority. If all of the applicants for parking permit enumerated in paragraphs (1) and (2) have been issued permits and the number of permits issued does not exceed one hundred eighty, the owner or employee of a person, firm, business, or organization:
- (A) Operating a vessel, moored in the small boat harbor or adjacent waters, engaged in any trade or business; or
  - (B) Operating an activity under the provisions of a lease or other agreement authorizing a business or commercial activity at the small boat harbor who applies for a parking permit shall have priority for one parking permit over other applicants enumerated in paragraph (4). Fee per vehicle shall be \$30 per calendar quarter.
- (4) Fourth priority. If all of the applicants for a parking permit enumerated in paragraphs (1), (2), and (3) have been issued permits and the number of permits issued does not exceed one hundred eighty, one parking permit in addition to the permit issued to the owner, co-owner, or master pursuant to paragraph (1) may be offered to the spouse or legal dependent of an owner, co-owner, or master of a registered or documented vessel moored in Lahaina boat harbor in accordance with a valid regular mooring permit, who applies for a parking permit. Fee per vehicle shall be \$12 per calendar quarter except the fee shall be \$30 per calendar quarter if the permittee also has a commercial mooring permit.
- (5) Permits shall be issued on a first-come, first-served basis to applicants on a chronological waiting list established for each priority category.

(d) A temporary parking permit, valid for up to seventy-two hours, may be secured by the owner of a vessel,

other than a vessel engaged in a trade or business, who holds a valid use permit authorizing the owner to moor the vessel in the small boat harbor, for use by bona fide guests. The temporary parking permit card or device issued by the department shall be displayed in or on the vehicle so as to be clearly visible from the outside during the period that the vehicle is parked at the small boat harbor. Fee per vehicle shall be \$2 per twenty-four hour period or fraction thereof.

(e) Fees for a regular parking permit issued after the first month of a calendar quarter shall be prorated on a monthly basis, a fraction of a month being considered a full month. No permit shall be issued until the prescribed fee is paid.

(f) Each person holding a regular parking permit shall be issued not more than one parking permit card or device for each parking permit held. The parking permit card or device issued by the department shall be displayed in or on the vehicle so as to be clearly visible from the outside when the vehicle is parked in the small boat harbor during the period that the parking restrictions are in effect as prescribed in subsection (j) (1).

(g) If a valid parking permit card or device becomes lost, destroyed, stolen, mutilated, or illegible, the permittee shall immediately:

(1) Notify the department in writing describing the circumstances of the loss or destruction and certifying to its loss; or

(2) Deliver to the department any mutilated or illegible permit card or device. If this is done, a replacement permit card or device may be issued to the permittee upon application and payment of a fee of \$1.

(h) A parking permit may be canceled by a permittee upon thirty days written notice to the department. The parking permit card or device issued by the department is the property of the State. Upon cancellation by a permittee, no credit or refund for any unexpired month or months shall be given unless the permit card or device is returned to the department. No credit or refund shall be given for portions of a month upon cancellation or revocation of a permit.

(i) The department reserves the right to further restrict the issuance of parking permits to those who observe the small boat harbors rules and make full and timely payments of fees and charges. A parking permit may be revoked as provided in section 13-233-6. Upon

revocation, the permittee shall surrender the parking permit card or device issued by the department.

(j) It shall be a violation of this section for any person:

- (1) To cause, allow, or permit any vehicle within the person's control to be parked, stopped or standing within the small boat harbor except as provided in subsection (b).
- (2) To park, stop, or stand any vehicle across any line or marking of a parking stall or in such a manner that the vehicle shall not be entirely within the stall designated by such lines or markings.
- (3) To permit another person not entitled thereto, to use or have possession of a parking permit card or device issued by the department.
- (4) To alter, forge, counterfeit, or imitate a parking permit card or device issued by the department.
- (5) To possess or use a parking permit card or device, knowing it to have been altered, forged, counterfeited, or imitated.
- (6) To avoid or attempt to avoid compliance with this section by displaying in or on a vehicle, a parking permit card or device not authorized or issued by the department for the vehicle.
- (7) To enclose, obstruct, or cause to be enclosed or obstructed any parking stall or portion thereof unless a permit has been obtained from the department.
- (8) To disregard any official direction, instruction or restriction indicated by or on an official sign posted in a parking zone.

(k) A person who has violated this section may be fined as provided in section 13-230-4. In addition, violations of this section may result in revocation of a parking permit pursuant to section 13-231-6. [Eff 2/24/94; ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4) ]

§13-233-15 to §13-233-19 (Reserved)

Subchapter 2 Paid Parking [Meter]  
Zones

§13-233-20	Establishment of <u>paid parking [meter ]zones</u>
§13-233-21	Repealed
§13-233-22	Repealed
§13-233-23	Repealed
[§13-233-24	Parking time limits and meter operating hours]
§13-233-25	Repealed
§13-233-26	Charges for parking
§13-233-27	Charges for enclosure or obstruction of <u>paid parking [meter ]stalls, incidental to construction, etc</u>
§13-233-28	Harbor tenants - parking permits
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§13-233-30	Replacement of mutilated stickers
§13-233-31	Transfer of permits
§13-233-32	Cancellation of permits
§13-233-33	Revocation of parking permits
§13-233-34	Violations and penalties
§13-233-35	
to	
§13-233-39	(Reserved)

§13-233-20 Establishment of paid parking [meter ]zones. Paid parking [meter ]zones [are hereby]may be established at the small boat harbors [in the areas more particularly described in Exhibit 1 and shown on Exhibit 2, January 26, 1985, located at the end of this chapter]and facilities and shall be so designated by signage.

[Eff 2/24/94; am and comp ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2,200-4)

§13-233-21 Repealed. [R 6/28/00]

§13-233-22 Repealed. [R 6/28/00]

§13-233-23 Repealed. [R 6/28/00]

[§13-233-24 Parking time limits and meter operating hours. Time limitations and meter operating hours for legal parking in the following listed zones are as follows:

<u>Parking meter zone</u>	<u>Parking time limit</u>	<u>Meter operating hour</u>
A	4 hours	24 hrs. per day 7 days per week
B	8 hours	24 hrs. per day 7 days per week
C	4 hours	24 hrs. per day 7 days per week
D	8 hours	24 hrs. per day 7 days per week
E	8 hours	24 hrs. per day 7 days per week

[Eff 2/24/94 ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4) ]

§13-233-25 Repealed. [R 6/28/00]

§13-233-26 Charges for parking. Charges will be made and collected for parking, stopping, or standing a vehicle in paid parking [meter ] zones equal to current city and county rates[ at the rate of forty cents per hour during meter operating hours]. [Eff 2/24/94; am and comp ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-233-27 Charges for enclosure or obstruction of paid parking [meter ] stall, incidental to construction, etc. (a) Before any person, other than any governmental agency, shall enclose, obstruct, or cause to be enclosed or obstructed any parking stall or portion thereof, incidental to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure, or for other reasons, that person shall obtain a permit from the department and pay to the department a sum calculated at the rate [of \$2] currently being charged for each such parking [meter ] stall for each day or fraction thereof, during which the stall shall be so enclosed or obstructed.

(b) No permit to enclose or obstruct a parking stall shall be issued to any person to whom the foregoing provision is applicable until the person shall have made a

deposit of the calculated sum, based on the estimated number of days during which the parking stall shall be so enclosed or obstructed. The person shall notify the department immediately upon termination of the enclosure of obstruction. [Eff 2/24/94; am and comp ]  
 (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-233-28 Harbor tenants - parking permits.  
 Notwithstanding any other provisions of this subchapter to the contrary, a person may park a motor vehicle in a parking stall in a pay-for-parking [meter] zone, in excess of the time limit and without payment for[depositing coins in the parking meter located adjacent to] the parking stall, if the person has been issued a parking permit and displays a valid parking sticker (decal) issued to that person by the department, on the left hand side of the rear bumper or as near thereto as the configuration of the motor vehicle permits, or has been issued a temporary parking permit and displays this temporary parking permit in or on the vehicle so as to be clearly visible from the outside.  
 [Eff 2/24/94; am and comp ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-233-29 Eligibility for parking permits; fee per vehicle. (a) Persons eligible for the parking permits described in section 13-233-28 and the fees for the permits are as follows:

<u>Eligible persons</u>	<u>Fees Per Vehicle</u>
(1) An owner holding a valid use permit (permittee) authorizing the mooring of the owner's vessel at the small boat harbor, and any co-owner of the vessel.	\$35 per [quarter]month
(2) The master, spouse of each owner and their legal dependents 18 years of age or older.	[\$1]35 per [quarter]month
(3) An owner or co-owner holding a valid use permit authorizing the mooring of the owner's vessel at the small boat harbor may secure a temporary parking	[\$2]10 for each 24-hour period or fraction at thereof

permit [which in no event shall exceed 72 hours], for use by bona fide guests accompanying the owner on board the vessel on a voyage outside the confines of the small boat harbor.

- (4) [(3)] An owner or employee of a firm, business, or organization operating under a lease or other agreement authorizing the owner, employee, firm, business, or organization to engage in a business or commercial activity at the small boat harbor. \$[3]90 [quarter]month

(b) Fees for permits issued after the first month of a calendar quarter shall be prorated on a monthly basis.

(c) Except as provided in subsection (a) (2), not more than one parking permit shall be issued to a person eligible for a parking permit. [Eff 2/24/94; am and comp ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-233-30 Replacement of mutilated stickers. The eligible holder of a parking sticker that becomes mutilated or illegible shall apply for and be issued a replacement sticker if the mutilated or illegible sticker is surrendered to the department. A fee of \$15 shall be paid prior to the issuance of a replacement sticker. [Eff 2/24/94; am and comp ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-233-31 Transfer of permits. The holder of a parking sticker may upon surrender of a parking sticker apply for and be issued another parking sticker to be applied to another vehicle owned by the holder. A fee of \$15 payable in advance shall be paid prior to the issuance of a new sticker. [Eff 2/24/94; am and comp ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-233-32 Cancellation of permits. The holder of a valid parking permit who disposes of the vehicle for which the permit was issued or who otherwise desires to cancel a parking permit may obtain a credit or refund as appropriate for any remaining unexpired month or months, upon surrender

of the parking sticker to the department. No credit or refund shall be given for portions of a month. [Eff 2/24/94; comp ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-233-33 Revocation of parking permits. The department reserves the right to further restrict the issuance of parking permits to those who observe the small boat harbors rules and make full and timely payments of fees and charges. A parking permit may be revoked as provided in section 13-231-6. Upon revocation the permittee shall surrender the parking sticker issued by the department. [Eff 2/24/94; comp ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-233-34 Violations and penalties. (a) It shall be a violation of this part for any person:

- (1) For failure to pay the posted fees. [To cause, allow, permit, or suffer any vehicle within that person's control to be parked, stopped, or standing in any parking stall for a consecutive period of time in excess of the parking time limit specified in section 13-233-24 for the parking meter zone in which the meter is located, irrespective of the number or amounts of the coins deposited in the meter, unless the vehicle occupying the parking stall displays a valid parking sticker or temporary parking permit issued by the department.
- (2) To permit a vehicle within the person's control to be parked, stopped, or standing in any parking stall during meter operating hours in the parking meter zone in which the meter is located] while the parking meter for the stall indicates by the signal that the lawful parking time in the stall has expired, unless the vehicle occupying the parking stall displays a valid parking sticker or temporary parking permit issued by the department. This provision shall also not apply during the act of parking or during the necessary time which is required to deposit immediately thereafter a coin or in the meter.
- (3) To fail to deposit the proper coins and to set the timing mechanism in operation as required under sections 13-233-25 and 13-233-26, unless the vehicle occupying the parking stall displays a valid parking sticker or temporary parking

- permit issued by the department.]
- ([4]2) To park, stop, or stand any vehicle across any line or marking of a paid parking [meter] stall or in such position that the vehicle shall not be entirely within the stall designated by the lines or markings[, except that a vehicle which is of a size too large to be parked within a single designated parking meter stall shall be permitted to occupy two adjoining parking meter stalls when coins shall have been deposited in the parking meter stalls so occupied as is required in this subchapter for the parking of other vehicles in the stall].
  - ([5]3) To park, stop, or stand a towing vehicle with a boat trailer attached in any non-designated vehicle/trailer paid parking [meter] stall.
  - ([6]4) To permit another person not entitled thereto, to use or have possession of a parking sticker.
  - ([7]5) To alter, forge, counterfeit, or imitate a parking sticker.
  - ([8]6) To possess or use a parking sticker, knowing it to have been altered, forged, counterfeited, or imitated.
  - ([9]7) To avoid or attempt to avoid compliance with this section by affixing to a vehicle, a parking sticker not authorized by the department.
  - ([10]8) To enclose, obstruct, or cause to be enclosed or obstructed any paid parking [meter] stall or portion thereof unless a permit has been obtained from the department as required in section 13-233-27.
  - ([11]9) To deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking [meter]pay station installed under the provisions of this part.
  - ([12] To deposit or cause to be deposited in any parking [meter] pay station any slugs, device or metal substance, or other substitute for lawful United States coins or fraudulent credit or bank card.
  - ([13]10) To disregard any official direction, instruction, or restriction indicated by or on official signs posted in a paid parking [meter] zone.
- (b) A person who has violated this section may be

fined as provided in section 13-230-4. [Eff 2/24/94; am and  
comp ] (Auth: HRS §§200-2, 200-4)  
(Imp: HRS §§200-2, 200-4)

§13-233-35 to §13-233-39 (Reserved)

### Subchapter 3 Vessel Owner Parking Zone

[§13-233-40 Establishment of vessel owner parking zone]  
§13-233-41 Repealed  
[§13-233-42 Vessel owner parking permits]  
§13-233-43 Eligibility for parking permits; fee per  
vehicle  
§13-233-44 Violations and penalties

[§13-233-40 Establishment of vessel owner parking zone. Vessel owner parking zone 1 is established at the Ala Wai boat harbor in the area described in Exhibit 3 and shown on Exhibit 2, dated January 26, 1985, located at the end of this chapter. [Eff 2/24/94 ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4) ]

§13-233-41 Repealed. [R 6/28/00]

[§13-233-42 Vessel owner parking permits. The vessel owner parking zone 1 is designated for vehicles displaying a valid parking sticker (decal), issued by the department, on the left-hand side of the rear bumper or as near thereto as the configuration of the motor vehicle permits or displaying a valid temporary parking permit in or on the vehicle so as to be clearly visible from the outside. [Eff 2/24/94 ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)]

[§13-233-43 Eligibility for parking permits within the vessel owner parking zone; fee per vehicle. (a) The persons eligible for parking permits pursuant to section 13-233-29 and the fees for the permits are:

- (1) Permittees holding valid use permits to moor their vessels at a small boat harbor, their spouses, vessel master, and their legal dependents eighteen years of age or older. The fee per vehicle per calendar quarter shall be:
  - (A) \$5 for each owner or co-owner; and
  - (B) \$15 for other eligible persons; and
- (2) The fee for permits issued after the first month

of a calendar quarter shall be prorated on a monthly basis.

Not more than one parking permit shall be issued to a person eligible for a parking permit. [Eff 2/24/94; am and comp ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)]

§13-233-44 Violations and penalties. (a) It shall be a violation of this subchapter for any person:

- (1) To cause, allow, permit, or suffer any vehicle within that person's control to be parked, or stopped, [or standing within vessel owner parking zone 1 ] unless the vehicle displays a valid parking sticker or temporary parking permit issued by the department or non-designated vehicle/trailer parking.
- (2) To park, stop, or stand any vehicle across any line or marking of a parking space or in such position that the vehicle shall not be entirely within the stall designated by such lines or markings.
- (3) To permit another person not entitled thereto, to use or have possession of a parking sticker.
- (4) To alter, forge, counterfeit, or imitate a parking sticker.
- (5) To possess or use a parking sticker, knowing it to have been altered, forged, counterfeited, or imitated.
- (6) To avoid or attempt to avoid compliance with this subchapter by affixing to a vehicle, a parking sticker not authorized by the department.
- (7) To disregard any official direction, instruction, or restriction indicated by or on official signs posted in any small boat harbor parking area [the vessel owner parking zone].

(b) A person who has violated this subsection may be fined as provided in section 13-230-4." [Eff 2/24/94; am and comp ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §200-2, 200-4)

[May 1. 1985

EXHIBIT "1"

PARKING METER ZONES ALA WAI SMALL BOAT HARBOR

(a) Parking zone "A." Beginning near the Ala Wai Canal at the northernmost corner of the end of the roadway leading to the work dock, zone "A" is defined approximately by the following boundaries:

- (1) 155 feet in the Diamond Head direction along the edge of the roadway, thence
- (2) 135 feet in the mauka direction along the edge of the roadway, thence
- (3) 50 feet in the Diamond Head direction across the roadway, thence
- (4) 175 feet in the makai direction along the edge of the roadway, thence
- (5) 435 feet in the Diamond Head direction along the edge of the roadway, thence
- (6) 50 feet in the makai direction, thence
- (7) 180 feet in the Diamond Head direction along the edge of the roadway, thence
- (8) 20 feet in the makai direction across the roadway, thence
- (9) 730 feet in the Ewa direction along the seawall, thence
- (10) 80 feet in the mauka direction along the seawall, thence
- (11) 130 feet in the Ewa direction along the seawall, thence
- (12) 20 feet in the mauka direction along the Ala Wai Canal to the point of beginning.
- (13) A 20-foot wide strip on the mauka side of the access road adjacent to the Ilikai Hotel. It begins at the corner of the access road and Hobron Lane, runs in the Diamond Head direction for 260 feet, and follows the curve in the roadway for approximately 230 feet.

EXHIBIT "2"

JANUARY 25, 1985

(DIAGRAM TO BE REPEALED)

EXHIBIT "3"

VESSEL OWNER PARKING ZONE, ALA WAI BOAT HARBOR

Vessel owner parking zone 1.

Beginning mauka of the boat launching ramp at the northernmost corner along a 50-foot radius curve on the Diamond Head edge of the roadway, parking zone 1 is defined approximately by the following boundaries.

- (1) 90 feet in the Diamond Head direction along the edge of the roadway, hence
- (2) 100 feet in the makai direction, hence
- (3) 140 feet in the Ewa direction, hence
- (4) 48 feet in the mauka direction to and ending at the 50-foot radius curve.]

1. Material, except source notes, to be repealed is bracketed. New material is underscored.

2. Additions to update source notes to reflect these amendments and compilation are not underscored.

3. These amendments to and compilation of chapter 13-233, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules,  
drafted in Ramseyer format pursuant to the requirements of  
section 91-4.1, Hawaii Revised Statutes, which were adopted  
on \_\_\_\_\_, and filed with the  
Office of the Lieutenant Governor.

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ALLAN A. SMITH, Interim Chairperson  
Board of Land and Natural Resources

APPROVED AS TO FORM  
FOR PUBLIC HEARING:

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Deputy Attorney General