

- (a) Findings.
- (1) The council of the City and County of Honolulu finds that HRS Section 6E-15 provides in part that "In addition to any power or authority of a political subdivision to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing body of any political subdivision may provide by regulations, special conditions, or restrictions for the protection, enhancement, preservation, and use of historic properties...."
 - (2) Significant archaeological findings, including major artifacts and ancient burials, vital to the understanding, preservation and interpretation of the Hawaiian history and culture, have been discovered on public lands owned and controlled by the City and County of Honolulu, including Kualoa Regional Park. Kualoa Regional Park is located within the ahupua'a of Kualoa which is entered into the National Register of Historic Places as the Kualoa Ahupua'a Historical District, and in the state register of historic places, on the basis of its mythological and legendary importance to the Hawaiian people.
 - (3) Extensive archaeological site survey and research activities have revealed the historic and cultural value of Kualoa, where much archaeological work remains to be done. Archaeological data and many thousands of artifacts disclose unusual prehistoric Hawaiian use of the area, dating back to at least the 13th century A.D., and ancient remains of human burials are frequently being uncovered because of rapid beach erosion, necessitating close archaeological monitoring.
 - (4) Despite the oftentimes enormous significance of archaeological findings discovered on city-owned or controlled lands which have been placed on the National Register of Historic Places and state register of historic places, such as Kualoa Regional Park, or which meet the criteria and would therefore be eligible for placement on the national register or state register, there is lacking a cohesive city policy providing for the deposition and curation, in conformance with generally accepted scientific methods, of field notes, photographs, negatives, maps, artifacts, ancient burial remains or other materials generated, or likely to be generated, following initial stages of identification, survey and discovery of artifacts and remains. At Kualoa Regional Park, for example, there is a backlog of recovered archaeological materials, field records, maps, and photographs which need to be fully documented, analyzed, and accessioned as a prerequisite to deposition and curation.
- (b) Policy. In recognition of the significance and unique historical and cultural resources known to or reasonably believed to be associated with city-owned or controlled lands which have been placed on the National Register of Historic Places or the state register of historic places, or those which meet the criteria and would therefore be eligible for placement on the national register or state register, it is declared to be the policy of the City and County of Honolulu that:
- (1) The development of all such lands shall be sensitive to, and consistent with, the specific historical and cultural characteristics of the lands.
 - (2) The development of all such lands shall include the implementation of programs, including, but not necessarily limited to, educational and interpretive programs to provide an understanding of the abundant and unique features of Hawaiian culture through reference to archaeological sites and artifacts located at, or removed from, the developed lands.
 - (3) Interested individuals and groups, including the office of Hawaiian affairs, shall be consulted in the decision making process on the development of all such lands.

(Added by Ord. 90-24)

Sec. 41-30.2 On-site curation.

To the extent practicable, and not inconsistent with law, assemblages of prehistoric and historic artifacts recovered from a site on land owned or controlled by the city which has been placed on the National Register of Historic Places or the state register of historic places, or which meets the criteria and would therefore be eligible for placement on the national register or state register, shall be properly curated at the site. (Added by Ord. 90-24)

Sec. 41-30.3 Removal, transfer prohibited.

- (a) Any removal, transfer, loan, sale, destruction or alienation, whatsoever, of any assemblage of prehistoric and historic artifacts recovered from a site on land owned or controlled by the city which has been placed on the National Register of Historic Places or the state register of historic places, or which meets the criteria and would therefore be eligible for placement on the national register or state register, shall be prohibited except in accordance with a specific plan approved by the council, which plan shall include detailed justification and specific methods to ensure the preservation, integrity and continued accessibility to the artifacts in furtherance of the policies set forth in this article.
- (b) Any person convicted of a violation of this article shall be punished by a fine not more than \$500.00 or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

(Added by Ord. 90-24)

Article 31. Noise Control

Sections:

- 41-31.1 Prohibited noise.**
- 41-31.2 Enforcement.**
- 41-31.3 Violation--Penalty.**
- 41-31.4 Permits.**
- 41-31.5 Exemptions.**

Sec. 41-31.1 Prohibited noise.

- (a) It is unlawful for any person or persons to play, use, operate or permit to be played, used or operated, any radio, tape recorder, cassette player or other machine or device for reproducing sound, if it is located in or on any of the following:
 - (1) Any public property, including any public street, highway, building, sidewalk, park or thoroughfare; or

- (2) Any motor vehicle on a public street, highway or public space; and if the sound generated is audible at a distance of 30 feet from the device producing the sound.
 - (b) Possession by a person or persons of any of the machines or devices enumerated in subsection (a) shall be prima facie evidence that that person operates, or those persons operate, the machine or device.
- (Added by Ord. 90-26)

Sec. 41-31.2 Enforcement.

- (a) Powers of Arrest or Citation. Any authorized police officer shall issue a citation for any violation under this article, except they may arrest for instances when:
 - (1) The alleged violator refuses to provide the officer with such person's name and address and any proof thereof as may be reasonably available to the alleged violator.
 - (2) When the alleged violator refuses to cease such person's illegal activity after being issued a citation.
- (b) Citation.
 - (1) There shall be provided for use by authorized police officers, a form of citation for use in citing violators of this article which does not mandate physical arrest of such violators. The form and content of such citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other citations used in modern methods of arrest, 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, a copy of the same shall be given to the violator.
 - (3) Every citation shall be consecutively numbered and each carbon copy shall bear the name of its respective original.

(Added by Ord. 90-26)

Sec. 41-31.3 Violation--Penalty.

Any person convicted of a violation of the provisions of this article shall be punished by a fine of \$100.00 for the first offense, \$500.00 for the second offense within six months of the first offense, and \$1,000.00, or forfeiture of the sound system or components of the sound system up to \$1,000.00 in value, or a combination of forfeiture and fine to total \$1,000.00 for conviction of the third offense within one year of the first offense. (Added by Ord. 90-26)

Sec. 41-31.4 Permits.

- (a) A permit for a temporary exemption from the provisions of this article may be issued by the director of finance to commercial, religious, political, civic, charitable, athletic and other organizations, or individuals, for activities such as carnivals, parades, fund raisers, fairs, bazaars, public speeches and meetings.
- (b) The director of finance shall prescribe a form of application for such a permit which shall be completed by the applicant and which, when completed, shall state the date, time of day, duration and nature of the proposed activity, the reason for the proposed activity, the name of the person who shall be in charge of the proposed activity, and such other pertinent information as the director shall desire.
- (c) In determining whether to grant or deny an application for a permit hereunder, the director shall consider the information provided in the application together with the impact of the proposed noise on the health, safety and welfare of the residents of and visitors to the surrounding area. If more information is needed in order for the director to make a determination on the application, the director may request further information from the applicant by means of a supplemental application.
- (d) The applicant shall submit the completed form, accompanied by a fee of five dollars, to the director not later than five days prior to the proposed activity; thereafter, the director shall notify the applicant of the decision to grant or deny the permit within three days of the submission of the completed application and fee and any required supplemental application.
- (e) The permit shall state the date, place, time, duration and nature of the proposed activity, shall be in the possession of the person in charge of the activity, and shall be produced for inspection upon the request of any law enforcement officer.
- (f) The director may issue a permit subject to conditions which shall be stated upon the permit, including limitations upon the sound level, duration, or time of day of the activity, or the requirement that breaks be taken in the activity.
- (g) The director may adopt rules not inconsistent herewith for the implementation of the permit system established in this section. Such rules may include provisions for waiver of the application fee in appropriate situations or for the granting of a permit when an application is received less than five days prior to the proposed activity.

(Added by Ord. 90-26)

Sec. 41-31.5 Exemptions.

The following shall be exempt from the prohibitions set forth in this article:

- (a) Activities of the city and county, State of Hawaii or the United States; and
- (b) Activities of private persons or entities acting within the permitted uses of a permit issued by the city and county, State of Hawaii or the United States.

(Added by Ord. 90-26)

Article 32. Loitering on Public School Premises

Sections:

- 41-32.1 Loitering on public school premises.**
- 41-32.2 Exclusions.**
- 41-32.3 Presence considered prima facie case of violation.**
- 41-32.4 Violation--Penalty**