

Sec. 41-12.8 Applicability.

The provisions of this article shall not apply to any new bicycle sold prior to the effective date of this article. (Sec. 13-31.8, R.O. 1978 (1983 Ed.))

Sec. 41-12.9 Violation--Penalty.

Any person violating the provisions of Sections 41-12.2 and 41-12.7 shall be fined not more than \$500.00. (Sec. 13-31.9, R.O. 1978 (1983 Ed.); Am. Ord. 95-20)

Article 13. Protective Regulations for Exceptional Trees

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Sec. 41-13.1 Declaration of legislative intent.

- (a) The council of the City and County of Honolulu desires to provide for better environmental control in order to improve the quality of life of its citizens by enacting protective regulations to safeguard exceptional trees within the City and County of Honolulu. The council finds that not only are trees of value for their beauty, but that they perform an important ecological function in that they prevent soil erosion, purify the air, as well as retard flooding. The council also finds that inasmuch as trees contribute to the beauty of the island, they are an important element in achieving the objectives of the new general plan "to protect and preserve the natural environment of Oahu" and "to maintain the viability of Oahu's resort industry."
 - (b) While the council recognizes the limitations inherent in the enforcement of this article on federal and state property, exceptional trees located on such property are included herein, as a statement of this council's firm resolve to protect those unique assets to our environment, wherever they might be located on Oahu. Further, it is hoped that this statement of resolve will encourage these federal and state officials entrusted with the care of designated exceptional trees, to take appropriate steps for their protection.
 - (c) In the belief that protective regulations to safeguard exceptional trees will promote the health, safety and general welfare of the citizens of the City and County of Honolulu, the city council enacts this article as a means of preserving the environmental character of the city and county within the provisions of Act 105, Session Laws of Hawaii, 1975. The terms of this article shall be liberally construed to effectuate the purpose stated herein.
- (Sec. 13-36.1, R.O. 1978 (1983 Ed.))

Sec. 41-13.2 Definition.

"Exceptional trees," for the purposes of this article, means a tree or grove of trees with historic or cultural value, or which by reason of its age, rarity, location, size, esthetic quality or endemic status has been designated by the city council as worthy of preservation. (Sec. 13-36.2, R.O. 1978 (1983 Ed.))

Sec. 41-13.3 Arborist advisory committee.

There shall be an arborist advisory committee consisting of nine members who shall be appointed by the mayor. The committee shall include the director of the department of planning and permitting, or the director's designee. At least one member shall be actively employed in the practice of landscape architecture, at least one member shall be actively employed as a certified arborist, and six other members shall be selected on the basis of their active participation in programs of community beautification, or research or organization in the ecological sciences, including ethnobotany or Hawaiiana. The committee shall be attached to the department of parks and recreation for administrative purposes and the director shall cause employees of the director's office to furnish technical, administrative or clerical services as may be needed by the committee. (Sec. 13-36.3, R.O. 1978 (1983 Ed.); Am. Ord. 00-54)

Sec. 41-13.4 Powers and duties.

- The arborist advisory committee shall have the following powers and duties:
- (a) To research, prepare and recommend to the city council exceptional trees to be protected by city ordinance or regulation.
 - (b) To advise property owners relative to the preservation and enhancement of exceptional trees by providing educational resources and information to property owners about proper tree care and maintenance.
 - (c) To recommend to the city council appropriate protective ordinances, regulations and procedures.
 - (d) To review all actions deemed by the city council to endanger exceptional trees.
- (Sec. 13-36.4, R.O. 1978 (1983 Ed.); Am. Ord. 10-23)

Sec. 41-13.5 Procedures.

- (a) Any citizen or citizen group may petition the arborist advisory committee to examine a particular tree or grove of trees for the purpose of having it recommended to the city council for designation as an exceptional tree.

- (b) In the event an exceptional tree is found to no longer meet the exceptional tree criteria, the council, upon recommendation from the arborist advisory committee, may delist such tree from the register.
- (c) Upon designation by the council of an exceptional tree, the city clerk shall notify the property owner and/or the occupant of the property by registered mail that such a designation has been made.
- (Sec. 13-36.5, R.O. 1978 (1983 Ed.); Am. Ord. 10-23)

Sec. 41-13.6 Enforcing authority.

The department of parks and recreation shall be charged with the enforcement of this article and shall be clothed with police power to do all acts necessary to ensure that the provisions of this article are not violated including, but not limited to, the issuance of citations for the violation of any provisions of this article. The provisions of this article shall not be superseded by any permit issued by any county agency under any other ordinance. (Sec. 13-36.6, R.O. 1978 (1983 Ed.); Am. Ord. 96-58)

Sec. 41-13.7 Register of exceptional trees.

The trees listed in this section are designated “exceptional trees” of the City and County of Honolulu.

- (a) The following trees begin with the letters “a” through “b”:

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Acrocarpus fraxinifolius, Pink Cedar Tree	Schofield Barracks, Ulrich Street, west of Building S2107	N/A
Adansonia digitata, Baobab Tree	Queen’s Medical Center, 1301 Punchbowl Street*	2-1-035:003
	Grove of 11 trees – Ala Moana Regional Park	2-3-037:001
	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
	University of Hawaii at Manoa, adjacent to the Art Building, 2444 Dole Street	2-8-023:003
Agathis robusta, Queensland Kauri Tree	Harold L. Lyon Arboretum, 3860 Manoa Road	2-9-055:006
Albizia guachapele, Guachapele Trees	3 trees – Wheeler Army Airfield, on the median strip of Wright Avenue between Elleman Road and Foote Avenue	N/A
Albizia niopoides	Schofield Barracks, Sargent Road, between Buildings T-695 and 699A	N/A
Albizia procera, Albizia	4 trees – Wheeler Army Airfield, Wright Avenue, two trees north of building at 147 Langley Loop, one tree north of building at 766 Santos Dumont, one tree in front of quarters at 1078 Wright Avenue	N/A
Albizia saman, Monkeypod Tree	2 trees – Waimea Valley, at the Visitor Center	6-1-002:002
	420 Wylie Street	1-8-006:007
	Central Union Church – courtyard Atherton Chapel, 1660 South Beretania Street	2-8-011:028
	Both sides of Paki Avenue from Kapahulu to Monsarrat and 4 trees at Waikiki Fire Station	3-1-043:002
	2 trees – Moanalua Gardens, 2850 Moanalua Road	1-1-009:004
	1070 Aalapapa Drive, Lanikai	4-3-006:102
	11 trees – along Koa Kahiku Street, Windward City Shopping Center	4-5-060:061
	Wheeler Army Airfield, 258 Haley Avenue, Apartment 102	N/A
	5 trees – along perimeter of Windward Shopping Center on Aumoku Street	4-5-060:061
	3 Trees – left and right of driveway entrance of Women’s Community Corrections Center, Kailua	4-2-003:004
	16 Trees – 52 Robinson Lane	1-8-003:002; 1-8-003:003; 1-8-003:005
	“Hitachi Tree,” Moanalua Gardens, 2850 Moanalua Road, Honolulu, Hawaii 96819	1-1-009:004
	3 trees – Cooke Estate, 2859 Manoa Road	2-9-019:035
2 trees – Cooke Estate, 2829 Manoa Road	2-9-019:025	

* “Champion Trees of Hawaii,” in *American Forests*, May 1974.

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Araucaria bidwillii, Bunya-bunya Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Araucaria cunninghamii, Hoop-Pine Tree	Harold L. Lyon Arboretum, 3860 Manoa Road	2-9-055:006
Araucaria heterophylla, Norfolk Island Pine Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Araucaria spp., Norfolk Island Pines	33 trees – Schofield Barracks, both sides of General Loop	N/A
Artocarpus altilis, Breadfruit Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Attalea cohune, Mexican Cohune Nut Palms	Grove of 8 palms – 3282 Paty Drive	2-9-041:068
Barringtonia asiatica, Hutu Tree	University of Hawaii at Manoa, mauka side of Bilger Hall at McCarthy Mall area	2-8-023:003
Bertholletia excelsa, Brazil Nut Tree	2616 Pali Highway	1-8-008:001
Bucida buceras, Geometry Tree	Ala Moana Regional Park	2-3-037:001
	Schofield Barracks, Sargent Road, north of Building T-695	N/A

(b) The following trees begin with the letters “c” through “e”:

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Calophyllum inophyllum, Kamani Trees	2 trees – Kualoa Regional Park – corner near fishpond, makai of Kamehameha Highway	4-9-004:001
	25 trees – Wheeler Army Airfield, both sides of Haley Avenue between Elleman and Chanute Roads	N/A
	52 Robinson Lane	1-8-003:002
Canarium vulgare, Pili Nut Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
	Northwest corner of J.R. Judd property, Hakipuu, 49-074-C Kamehameha Highway	4-9-001:005
	Washington Place	2-1-018:001
Capparis mollicella	Schofield Barracks, located on the south side of Building 2105, Ulrich Street	N/A
Cassia roxburghii, Red Cassia Tree	45-647 Anoi Road	4-5-081:015
Cassia x nealiae, 'Wilhelmina Tenny'/Rainbow Shower Tree	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
Casuarina equisetifolia, Ironwood Trees	Along Kalakaua Avenue from Kapahulu Avenue to Poni Moi Road	3-1-043:001
	Grove of double row – parallel to the Kapiolani Park Bandstand, at Monsarrat Avenue's Waikiki Shell parking lot makai entrance	3-1-043:001
	52 Robinson Lane	1-8-003:002
Cavanillesia plantanifolia, Quipo Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
Ceiba pentandra, Kapok Tree	Grounds of State Department of Agriculture, 1428 South King Street	2-4-005:018
	2 trees – Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002
Couroupita guianensis, Cannonball Tree	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002
	University of Hawaii/Manoa Campus, next to parking lot, makai side of Sinclair Library	2-8-023:003
Cyrtostachys renda, Sealing Wax Palm	Harold L. Lyon Arboretum	2-9-055:006
Elaeodendron orientale, False Olive Tree	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002

* “Champion Trees of Hawaii,” in *American Forests*, May 1974.

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Enterolobium cyclocarpum, Earpod Tree	Board of Water Supply – Makiki Pumping Station	2-5-020:001
	Waialua Library, 67-068 Kealohanui Street	6-7-016:002
	2020 Kamehameha Avenue	2-9-007:015
	23 trees – Schofield Barracks, north side of Leilehua Avenue, from Baldwin Road to Morris Road	N/A
	Schofield Barracks, Bragg Street, 100 feet from Ayres Avenue intersection	N/A
	2 trees – 2823 Oahu Avenue	2-9-014:069
Erythrina sandwicensis, Wiliwili Trees	Grove of 57 trees – Koko Crater Botanical Garden	3-9-012:001
	Grove of 18 trees – Waimea Valley	6-1-001:002
Eucalyptus camaldulensis, River Red Gum Trees	56 trees – Schofield Barracks, south side of Kolekole Avenue, extending from Fournier Avenue to Hewitt Street	N/A
Eucalyptus deglupta, Mindanao Gum Tree	Wahiawa Botanical Garden, 1396 California Avenue*	7-4-017:001
Eucalyptus robusta, Swamp-Mahogany Trees	Schofield Barracks, row of 110 trees along Wilikina Drive in the Mendonca Park Family Housing area	N/A

(c) The following trees begin with the letter “f”:

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Ficus spp., Banyan Trees	45 trees that comprise 4 groves and 6 single trees at Ala Moana Regional Park; 1 Ficus religiosa near the McCoy Pavilion roundabout, 4 Ficus spp. within McCoy Pavilion Courtyard, and 1 large Ficus benghalensis near the Ewa lagoon	2-3-037:001
	Two rows of Ficus benjamina trees along the Ewa side of the Ala Wai Canal and a single row of Ficus microcarpa trees on the Waikiki side of the Ala Wai Canal, all three rows running between Kalakaua Avenue and Ala Moana Boulevard	N/A
	2616 Pali Highway	1-8-008:001
Ficus sp., Fig Tree	Washington Place, 320 South Beretania Street, front lawn Diamond Head side	2-1-018:001
Ficus benghalensis, Indian Banyan Tree	Honolulu Zoo, 151 Kapahulu Avenue	3-1-043:001
	Makai tree – in front of Honolulu Zoo entrance; corner of Kalakaua Avenue and Kapahulu Avenue	3-1-043:001
	Mauka tree – in front of Honolulu Zoo entrance; corner of Kalakaua Avenue and Kapahulu Avenue	3-1-043:001
	Directly across the street from the Zoo entrance, makai side of Kalakaua Avenue	3-1-043:001
	Ewa side of Queen’s Surf Beach Center, makai of Kalakaua Avenue	3-1-030:003
	Ewa side of Waikiki Aquarium, makai of Kalakaua Avenue	3-1-030:003
	Makai tree – in front of the Waikiki War Memorial Natatorium, Diamond Head of the Waikiki Aquarium	3-1-031:003
	Mauka tree – in front of the Waikiki War Memorial Natatorium, Diamond Head of the Waikiki Aquarium	3-1-031:003
	Diamond Head tree – across the street from Diamond Head Tennis Court Center, along the makai side of Paki Avenue	3-1-043:001
	Ewa tree – across the street from Diamond Head Tennis Court Center, along the makai side of Paki Avenue	3-1-043:001
	Diamond Head corner of archery range, along Poni Moi Road near entrance to La Pietra	3-1-043:007
	Makai tree – across the street from the Diamond Head side of the Honolulu Zoo, makai side of the Waikiki Shell parking lot entrance	3-1-043:001

* “Champion Trees of Hawaii,” in *American Forests*, May 1974.

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Ficus benghalensis, Indian Banyan Tree (Cont.)	Mauka tree – across the street from the Diamond Head side of the Honolulu Zoo, makai side of Waikiki Shell parking lot entrance	3-1-043:001
	Grounds of Kaiulani School, 783 North King Street	1-5-005:016
	Grounds of St. Elizabeth's Episcopal Church between 720 North King Street and 766 North King Street	1-7-031:048 and 1-7-031:064
	Iolani Palace grounds	2-1-025:002
	Moana Hotel Courtyard, 2365 Kalakaua Avenue	2-6-001:012
	2 trees – beside the Judiciary Building, Aliiolani Hale, 417 South King Street	2-1-025:003
	Parking lot, Walina Street, The Food Pantry Ltd., 2370 Kuhio Avenue	2-6-021:100
	Kuhio Beach Park	2-6-001:004
	Center of International Market Place, 2330 Kalakaua Avenue	2-6-022:038
	End of Magic Island	2-3-037:025
	1212 Punahou Street	2-4-007:002
	Thomas Square, 925 South Beretania Street, 4 trees surrounding fountain	2-4-001:001
	Ficus benjamina, Benjamin Fig Tree	Entry circle to left of front lawn of Roosevelt High School
Ficus drupacea, Mysore Fig Tree	Schofield Barracks, tree located on the north side of Grant Hall, intersection of Waianae and McCornack Roads	N/A
Ficus elastica, Indian Rubber Tree	University of Hawaii/Manoa Campus, next to Campus Way, mauka side of Sinclair Library	2-8-023:003
Ficus macrophylla, Moreton Bay Fig Tree	Schofield Barracks, tree located at the southwest corner of Building 747, Quad I	N/A
	Kailua Road "Triangle Park," center of Kailua	4-2-018:014
Ficus microcarpa, Chinese Banyan Tree	239 Kulamanu Place	3-1-040:061
	3 Trees – Kailua Road "Triangle Park," center of Kailua	4-2-018:014
	1699 Walea Street	7-5-001:001
Ficus petiolaris, Blue Mexican Fig Tree	1941 Ualakaa Street	2-5-001:033
Ficus religiosa, Bo Tree	Moanalua Gardens, 2850 Moanalua Road*	1-1-009:004
	2616 Pali Highway	1-8-008:001
	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002

(d) The following trees begin with the letters "g" through "l":

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Garcinia mangostana, Mangosteen Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Gigasiphon macrosiphon	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
Guazuma ulmifolia, West Indian Elm Tree	State Department of Agriculture, 1428 South King Street*	2-4-005:018
Hernandia nymphaeifolia, Jack-in-the-box Tree	University of Hawaii/Manoa Campus, mauka Ewa side of Sinclair Library	2-8-023:003
Hibiscus tiliaceus, Hau Tree	3314 Halelani Drive	2-9-035:103
Hura crepitans, Sandbox Tree	2365 Oahu Avenue	2-9-005:056
Hydnocarpus anthelminticus, Chaulmoogra Oil Tree	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
Hyphaene thebaica, Dour Palm, Gingerbread Palm	Foster Botanical Garden, 180 North Vineyard Boulevard*	1-7-007:002

* "Champion Trees of Hawaii," in *American Forests*, May 1974.

Kigelia africana, Sausage Tree	115 Kuukama Street, Kailua Coast Guard Station on Kalaniana'ole Highway, Aina Haina	4-3-014:007 3-5-046:013
Lagerstroemia speciosa, Queen's Crape Myrtle	Foster Botanical Garden, 1438 Nuuanu Avenue* Cooke Estate, 2859 Manoa Road	1-7-008:002 2-9-019:035
Lagunaria patersonia, White Wood Tree	Schofield Barracks, Glennan Avenue, between Buildings 687 and 688, Health Clinic	N/A
Litchi chinensis, Litchi Tree	2616 Pali Highway 1699 Walea Street, Wahiawa Castle Ranch, 1385 Maunawili Road	1-8-008:001 7-5-001:001 4-2-009:001
Lonchocarpus domingensis, Guama Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002

(e) The following trees begin with the letters "m" through "r":

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Macadamia integrifolia, Macadamia Nut Tree	52 Robinson Lane	1-8-003:002
Mammea americana, Mammea Apple Tree	State Department of Agriculture, 1428 South King Street*	2-4-005:018
Mangifera indica 'Pirie,' Mango Tree	2616 Pali Highway	1-8-008:001
Mangifera indica, Mango Tree	Center of Nuuanu Valley Park 52 Robinson Lane	2-2-034:028 1-8-003:002
Manilkara zapota, Chicle Tree	2616 Pali Highway Foster Botanical Garden, 1438 Nuuanu Avenue*	1-8-008:001 1-7-008:002
Metroxylon amicarum, Caroline Ivory Nut Palm	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Mimusops elengi, Pogada Tree	Foster Botanical Garden, 1438 Nuuanu Avenue* 41 trees – Wheeler Army Airfield, 148 Curtis Loop, 16 trees line Curtis Loop, Wright Avenue and Warhawk Road; 25 trees line Curtis Loop and Vought and Wright Avenues framing the parking lot	1-7-008:002 N/A
Olea europaea, Olive Tree	2621 Anuenue Street	2-9-014:070
Phoenix canariensis, Date Palm Trees	Wheeler Army Airfield, row of palm trees on both sides of Wright Avenue, from Frutchey Road to Lilienthal Road	N/A
Phyllanthus emblica, Indian Gooseberry Tree	2616 Pali Highway	1-8-008:001
Pithecellobium dulce, Opiuma Tree	Fernhurst YWCA – 1566 Wilder Avenue	2-4-023:087
Pittosporum hosmeri, Hoawa Tree	Cooke Estate, 2859 Manoa Road	2-9-019:035
Plumeria obtusa, Singapore Plumeria Tree	902-B Prospect Street	2-2-004:048
Pritchardia lowreyana, Loulou Palm	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002
Pseudobombax ellipticum, Pink Bombax Tree	Queen's Medical Center, front lawn 612 Ahakea Street	2-1-035:003 3-5-014:036
Pterocarpus indicus, Narra Tree	Tantalus Drive – on curve near #3665 6 trees – Wheeler Army Airfield, Eastman Road, 2 trees approximately 100 feet north of Wright Avenue intersection, 2 trees 500 feet north of Wright Avenue intersection and 2 trees east of quarters at 459 Eastman Road	2-5-012:006 N/A

* "Champion Trees of Hawaii," in *American Forests*, May 1974.

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Pterygota alata, Tattele Tree	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
Reynoldsia sandwicensis, Ohe Makai Trees	2 trees – Waimea Valley	6-1-001:002
Roseodendron donnell-smithii, Gold Tree	2119 Kaloa Way	2-8-020:040
	Cooke Estate, 2829 Manoa Road	2-9-019:025
Roystonea oleracea, Cabbage Palm	Harold L. Lyon Arboretum	2-9-055:006
	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
	2 palms – Schofield Barracks, 227 General Loop	N/A
Roystonea oleracea and Roystonea regia, Cabbage Palms and Royal Palms	Total of 11 palms – Schofield Barracks, west side of Building 360, Flagler Road	N/A
Roystonea regia, Royal Palms	Both sides of Royal Palm Drive from Glen Avenue to Uuku Street, Wahiawa	N/A
	30 line old carriage road – Castle Ranch, 1385 Maunawili Road	4-2-009:001
	Palm Circle Drive, Fort Shafter, palms encircling parade field	1-1-008:005
Roystonea regia and Fraxinus americana, Royal Palms and White Ash Trees	91 Royal Palms and 79 White Ash Trees – Wheeler Army Airfield, planted alternately on both sides of Sperry and Langley Loops north of Wright Avenue	N/A

(f) The following trees begin with the letter “s” through “w”:

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Schotia brachypetala, Tree Fuchsia	203 Prospect Street	2-2-003:098
Spondias mombin, Hog Plum Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
Sterculia apetala, Panama Trees	4 trees – Ala Moana Regional Park	2-3-037:001
	Thomas Square, 925 South Beretania Street	2-4-001:001
Sterculia foetida, Skunk Tree	University of Hawaii/Manoa Campus, Ewa-makai corner of George Hall	2-8-023:003
	Schofield Barracks, 225 General Loop	N/A
	203 Prospect Street	2-2-003:098
Swietenia macrophylla, Mahogany Trees	2 trees – Schofield Barracks, Lewis Street, immediately north of the Foote Avenue intersection	N/A
	Schofield Barracks, Glennan Avenue, between Buildings 672 and 688, Health Clinic	N/A
Swietenia mahagoni, Mahogany Trees	Along Kalakaua Avenue between Beretania Street and Ena Road	N/A
	2616 Pali Highway	1-8-008:001
Syzygium malaccense, Mountain Apple Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Tamarindus indica, Tamarind Tree	Judiciary Building, Aliiolani Hale, Ewa Courtyard, 417 South King Street	2-1-025:003
	52 Robinson Lane	1-8-003:002
	Washington Place, 320 South Beretania Street, front lawn Ewa side	2-1-018:001
Terminalia catappa, Tropical Almond Tree	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002
Wallaceodendron celebicum, Banuyo Tree	University of Hawaii, along Campus Road near Sinclair Library, across from Gartley Hall, 2444 Dole Street	2-8-023:003
Washingtonia robusta, Mexican Fan Palms	19 palms – Schofield Barracks, located on the west side of Dickman Road	N/A
	14 palms – Schofield Barracks, both sides of Glennan Street between Foote Avenue and Sargent Road	N/A

* “Champion Trees of Hawaii,” in *American Forests*, May 1974.

(Sec. 13-36.7, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 88-109, 91-38, 92-123, 00-54, 06-51, 10-23, 15-12, 16-34)

Sec. 41-13.8 Regulations.

- (a) Tree Removal or Destruction. It is unlawful for any person, corporation, public agency or other entity to remove or otherwise destroy any tree in the City and County of Honolulu which has been designated "exceptional" without approval from the city council, except as provided in Sec. 41-13.9. Any person who violates this section shall be fined not more than \$1,000.00.
- (b) Tree Maintenance.
- (1) It is unlawful for any person, corporation, public agency or other entity to alter the characteristic shape of any "exceptional" tree or remove any branch without first obtaining a permit issued by the department of parks and recreation.
- (2) The department of parks and recreation shall have the necessary powers to make rules and regulations, pursuant to HRS Chapter 91, to establish the criteria, standards and conditions under which a permit may be issued.

(Sec. 13-36.8, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 41-13.9 Emergency situation.

In an emergency situation, where there is imminent danger to life or property, the owner of the exceptional tree shall petition for removal of the exceptional tree to the director of parks and recreation or the director's authorized representative. The director of parks and recreation or the director's authorized representative may grant the removal of an exceptional tree upon a finding that such an emergency exists. The director of parks and recreation shall give notice of the action taken to the arborist advisory committee and to the council.

(Sec. 13-36.9, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 15-12)

Sec. 41-13.10 Violation--Penalty--Injunctive enforcement.

- (a) Any person who violates Section 41-13.8 shall be subject to a fine of not more than \$1,000.00.
- (b) In addition, any threatened violation of the provisions of this article, or of any rule or regulation promulgated pursuant to Section 41-13.8 (b) is declared to be a public nuisance and the corporation counsel shall institute such proceedings for injunctive or other civil relief as may be necessary to carry out the intent of this article.

(Sec. 13-36.9, R.O. 1978 (1983 Ed.); Sec. 13-36.10, R.O. 1987 Supp.)

Sec. 41-13.11 Severability.

If any section, paragraph, subsection, clause or phrase of this article is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this article. (Sec. 13-36.10, R.O. 1978 (1983 Ed.); Sec. 13-36.11, R.O. 1987 Supp.)

Sec. 41-13.12 Appeals.

Any person or persons aggrieved by an action of the city council may within 30 days of such action file an appeal to the circuit court.

(Sec. 13-36.11, R.O. 1978 (1983 Ed.); Sec. 13-36.12, R.O. 1987 Supp.)

Article 14. Vehicular Advertising*

[*Editor's Note: The ordinance codified as this article, Ord. 79-23, was declared unconstitutional on its face by the U.S. District Court for the District of Hawaii in Beetleboards of America, Inc., et al., v. the City and County of Honolulu, et al., Civil No. 79-0198, and the City and County of Honolulu and other defendants were permanently enjoined from enforcing or attempting to enforce Ord. 79-23, either directly or indirectly.]

Sections:

- 41-14.1 Definitions.**
41-14.2 Vehicular advertising prohibited.
41-14.3 Business identification permitted.
41-14.4 Violation--Penalty.

Sec. 41-14.1 Definitions.

"Business identification sign" means any sign, graphics or lettering upon a vehicle, relating to the company name, trade insignia, trademarks, products distributed, manufactured or sold or services performed by the business enterprise owning or leasing the vehicle. Vehicular business identification sign shall not include any poster, banner, light, model or any other device separately attached to the vehicle.

"Consideration" means any of the three or any combination thereof: (1) any money; or (2) thing of value; or (3) economic benefit conferred on or received by any person in return for advertising services rendered or to be rendered.

"Person" is as defined in Section 1-4.1 of this code.

"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as pipes, poles or structural members capable, generally of sustaining themselves as beams between the supporting connections.

"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a vehicle whether propelled by motor or human power and so constructed that some part of its weight including that of its load rests upon or is carried by another vehicle.

"Trailer" means every vehicle with or without motive power, other than a pole trailer, drawn by a vehicle whether propelled by motor or human power and designed to carry persons or property, and so constructed that no appreciable part of its weight rests upon the towing vehicle.

"Vehicle" means every device in, upon or by which any person or property, which would include signs, is or may be transported or drawn upon a roadway or highway. This definition shall include a vehicle, whether it is propelled by motor or moved by human power. (Sec. 13-37.1, R.O. 1978 (1983 Ed.))

Sec. 41-14.2 Vehicular advertising prohibited.

No person shall use a vehicle and/or trailer as defined herein, whether it is in operable or nonoperable condition, to display in any manner whatsoever, on any highway, street or private property, any advertising device for consideration as defined herein, including, but not