
A BILL FOR AN ACT

RELATING TO COUNTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46- Parks and playgrounds for transient
5 accommodations. (a) Except as provided in this section, each
6 county may adopt ordinances to require a developer, as a
7 condition to approval of a development of transient
8 accommodations, to provide land in perpetuity or to dedicate
9 land for park and playground purposes, for public use. The
10 ordinances may prescribe the instances when land shall be
11 provided in perpetuity or dedicated and the area, location,
12 grade, and other state of the sites so required to be provided
13 or dedicated. In addition thereto, the ordinances may prescribe
14 penalties or other remedies for violation of the ordinances.

15 (b) In lieu of providing land in perpetuity or dedicating
16 land, the ordinances may permit a developer pursuant to terms
17 and conditions set forth therein to:



1 (1) Pay to the county a sum of money deemed adequate by
2 the county to purchase the park land the developer
3 would otherwise have had to provide or dedicate; or

4 (2) Combine the payment of money with land to be provided
5 or dedicated, the value of the combination to be as
6 deemed adequate by the county to purchase the total
7 amount of land the developer would otherwise have had
8 to provide or dedicate.

9 The method of determining full or partial payment shall be
10 prescribed by the ordinances. The ordinances shall also provide
11 that any moneys received shall be used for the purpose of
12 providing parks and playgrounds adjacent to or in as close
13 proximity as practicable to the transient accommodation
14 development for the use of the park facilities by the public,
15 including the occupants of the transient accommodations. Each
16 county may establish by ordinance a time limit within which it
17 must spend any park dedication fees it has collected.

18 (c) Pursuant to terms, conditions, and limitations
19 specified by the ordinances, a developer shall receive credit:

20 (1) For privately-owned and maintained parks and
21 playgrounds;



1 (2) For lands dedicated or provided for park and
2 playground purposes prior to the effective date of the
3 applicable ordinances.

4 (d) Upon the provision of land in perpetuity or the
5 dedication of land by the developer as may be required under
6 this section, the county may thereafter assume the cost of
7 improvements and their maintenance or enter into a cost-sharing
8 agreement with the developer for the improvements and future
9 maintenance.

10 (e) The ordinances adopted pursuant to this section may
11 provide, where special circumstances, conditions, and needs
12 within the respective counties so warrant, for exemptions and
13 exclusions as the councils of the respective counties may deem
14 necessary or appropriate and may also prescribe the extent to
15 and the circumstances under which the requirements therein shall
16 or shall not be applicable to any transient accommodations
17 development.

18 (f) As used in this section, the following terms shall
19 have the following meanings unless the context indicates
20 otherwise:

21 "Approval" means the issuance of the building permit.



1 "Developer" means a person, corporation, partnership,
2 limited liability company, or other legal entity constructing,
3 erecting, enlarging, altering, or engaged in the development of
4 transient accommodations.

5 "Parks and playgrounds" mean areas used for active or
6 passive recreational pursuits.

7 "Privately owned parks and playgrounds" mean parks or
8 playgrounds and their facilities that are not provided in
9 perpetuity or dedicated but that are owned and maintained by or
10 on behalf of the public pursuant to recorded restrictive
11 covenants.

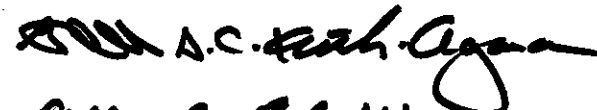
12 "Transient accommodations" shall have the same meaning as
13 in section 237D-1."

14 SECTION 2. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

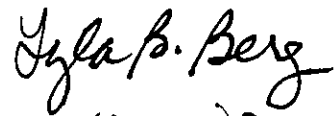
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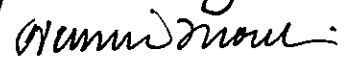
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Report Title:

Counties; Park Dedication

Description:

Authorizes counties to adopt ordinances imposing park dedication requirements on developers of transient accommodations.

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