

**[CHAPTER 58]**  
**EXCEPTIONAL TREES**

Section

58-1 Purpose

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" **[§58-1] Purpose.** It is the policy of the State to safeguard exceptional trees from destruction due to improper land development, and the legislature finds that enactment of protective regulations by the counties to accomplish this is a valid and important public purpose. [L 1975, c 105, pt of §2]

" **[§58-2] County arborist advisory committees; establishment.** Each county of the State shall establish a county arborist advisory committee, which shall be appointed by the mayor and shall include the county planning director, or the director's designee; one member who shall be actively employed in the practice of landscape architecture, and not less than three other members selected on the basis of active participation in programs of community beautification, or research or organization in the ecological sciences, including ethnobotany, or Hawaiiana. [L 1975, c 105, pt of §2; gen ch 1985]

" **§58-3 County arborist advisory committees; powers and duties.** For the purposes of this chapter, the county committees shall have the following powers and duties in addition to those delegated by the respective county councils:

- (1) To research, prepare, and recommend to the county council exceptional trees to be protected by county ordinance or regulation.
- (2) To advise property owners relative to the preservation and enhancement of exceptional trees.
- (3) To recommend to the county council appropriate protective ordinances, regulations, and procedures.
- (4) To review all actions deemed by the county council to endanger exceptional trees.

For the purposes of this section, "exceptional trees" means a tree or stand 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 county committee as worthy of preservation. The term "exceptional trees" does not apply to trees planted for commercial forestry operations in each county within the State. Exceptional trees may be designated generally by biotaxy or individually by location or class. [L 1975, c 105, pt of §2; am L 1977, c 69, §1]

" **[§58-4] County protective regulations.** Each county shall enact appropriate protective regulations which designate exceptional trees; provide for special county review prior to destruction of exceptional trees, whether by removal or the existence of conditions which lead to the destruction of such

trees; provide for site plan review and amendment to protect exceptional trees; and provide for injunctive relief against the removal or destruction of exceptional trees. [L 1975, c 105, pt of §2]

" **§58-5 State assistance.** The department of land and natural resources and the University of Hawaii shall cooperate with and to the fullest extent possible assist the counties and their respective committees in carrying out this chapter. [L 1975, c 105, pt of §2; am L 1980, c 293, §8]