

Section 14-55.1. Penalty.

Any person violating any provision of this article shall, upon conviction, be punished by a fine not to exceed \$500. Such person shall be deemed guilty of a separate offense for each and every day any violation of this article is committed. Furthermore, payment of such a fine shall not relieve the individual from the responsibility of correcting the violative condition, nor shall it preclude the County from instituting any action for its removal.

(1988, ord 88-122, sec 3.)

Article 10. Exceptional Trees.**Section 14-56. Intent.**

In accordance with section 58-2, Hawai'i Revised Statutes, to safeguard exceptional trees from destruction due to land development, the County desires to enact protective regulations to preserve exceptional trees within the County.

(1984, ord 84-22, sec 1.)

Section 14-57. Definitions.

For purposes of this article, "exceptional trees" means a tree or grove of trees with historic or cultural value, or which by reason of its age, rarity, location, size, aesthetic quality, or endemic status has been designated by the council as worthy of preservation. The term exceptional trees does not apply to trees planted for commercial forestry operations. Exceptional trees may be designated generally by biotaxy or individually by location or class.

(1984, ord 84-22, sec 1.)

Section 14-58. Arborist advisory committee.

There shall be an arborist advisory committee consisting of six members who shall be appointed by the mayor. The committee shall include the following: the planning director, or the director's designee; one member who shall be actively employed in the practice of landscape architecture; and four 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.

(1984, ord 84-22, sec 1; am 1992, ord 92-12, sec 1.)

Section 14-59. Powers and duties.

The arborist advisory committee shall have the following powers and duties:

- (a) To research, prepare and recommend to the council exceptional trees to be protected by County ordinance or regulation.
- (b) To advise property owners relative to the preservation and enhancement of exceptional trees.
- (c) To recommend to the council appropriate protective ordinance, regulations and procedures.
- (d) To review all actions deemed by the council to endanger exceptional trees.

(1984, ord 84-22, sec 1.)

Section 14-60. Procedures.

- (a) Any interested person may petition the arborist advisory committee to examine a tree for designation as an exceptional tree. Upon completion of the committee's study which shall include notification of the owner or lessee of the property, and a duly held public hearing, the committee shall forward the proposed list of exceptional trees to the council.
- (b) The council shall review the proposed list of exceptional trees; it may affirm, modify, or disaffirm the proposed list of exceptional trees. The list shall be adopted by ordinance.
- (c) The arborist advisory committee shall prepare official maps designating the location of exceptional trees adopted by the council and shall file maps with the planning department, department of public works, building division, and office of the County clerk.

(1984, ord 84-22, sec 1.)

Section 14-61. Consultation with County arborist advisory committee.

Prior to the issuance of any building or grading permit or granting of final subdivision approval, the planning department and department of public works, building division, may request advice from the arborist advisory committee concerning trees within any proposed development to assure that exceptional trees are retained and to prevent the unnecessary destruction of such trees during development or redevelopment of land within the County. The lack of designation as exceptional tree does not diminish the responsibility and authority of the planning department and department of public works, building division, to recommend trees to be incorporated into a development plan.

(1984, ord 84-22, sec 1.)

Section 14-62. Enforcing authority.

The planning department shall be charged with the enforcement of this article and shall have the police power to take appropriate action to ensure compliance with the provisions of this article. The planning department may issue citations for the violation of this article. This article shall not be superseded by any permit issued by any County agency under this code.

(1984, ord 84-22, sec 1.)

Section 14-63. Violation and penalty.

It shall be unlawful for any person, corporation, public agency or other entity to substantially damage, remove or destroy an exceptional tree in the County. Any person, corporation, public agency or other entity who violates this section shall be fined not more than \$1,000 per tree or incident.

(1984, ord 84-22, sec 1; am 2004, ord 04-69, sec 1.)

Section 14-64. Injunctive relief.

Proceedings for injunctive relief in circuit court or other court of competent jurisdiction may be had for threatened violations of the provisions of this article.

(1984, ord 84-22, sec 1.)

Section 14-65. [Former] Repealed.

(1984, ord 84-53, sec 1; am 1989, ord 89-102, sec 1; rep 1991, ord 91-140, sec 2.)

Section 14-65. Designated exceptional trees.

The following trees are designated as “Exceptional Trees of the County of Hawai‘i.”

Tree	Tax Map Key and Location	Owner	Ords
Bo or Peepul Tree <i>Ficus religiosa</i>	2-3-15:1 Old Riverside School	State of Hawai‘i Dept. of Education	91-140
Brazilian Fern Tree <i>Schizolobium parahyba</i>	7-5-1:114 Moeauoa 1, North Kona	Gwendolyn C. Hobbs	06-135
Chinese Weeping Banyan	2-2-28:08 Kilauea Avenue	State of Hawai‘i	99-27
Coconut Trees <i>Cocos nucifera</i>	2-2-4:02 Waiolama Canal, Hilo	State of Hawai‘i	91-140
Divi-Divi <i>Caesalpinia coriaria</i>	2-3-05:1 Kalākaua Park	County of Hawai‘i	91-140
False Kamani <i>Terminalia catappa</i>	2-3-12:09 Haili Street	Haili Church	91-140
Gardenia Remyi	2-3-29:02 Waianuenu Avenue	John & Dorothy Cross	00-121
Gold Tree <i>Cydistax donnell-smithii</i>	2-2-27:01 Forestry Arboretum	State of Hawai‘i	91-140, 00-121
Grove of Mangoes <i>Mangifera indica</i>	1-3-08 Pohoiki Road	County of Hawai‘i	93-8, 06-26
Grove of Mangoes	1-4-3, 4, 5, & 28 Government Beach Road	County of Hawai‘i	02-123
Grove of Monkeypod Trees	2-2-04:35 Kamehameha Avenue & Pauahi Street	County of Hawai‘i	99-27
Grove of Monkeypod Trees	2-2-04:56 Kamehameha Avenue & Pauahi Street	County of Hawai‘i	99-27
Hame <i>Antidesma platyphyllum</i>	4-4-14:01 Kalōpā State Park	State of Hawai‘i	91-140, 00-121
Indian Banyan <i>Ficus benghalensis</i>	2-3-05:1 Kalākaua Park	County of Hawai‘i	91-140
Koa <i>Acacia koa</i>	4-4-14:01 Kalōpā State Park	State of Hawai‘i	91-140
Kōpiko <i>Psychotria hawaiiensis</i>	4-4-14:01 Kalōpā State Park	State of Hawai‘i	91-140, 00-121

Tree	Tax Map Key and Location	Owner	Ords
Kōpiko <i>Psychotria hawaiiensis</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i	91-140, 00-121
Loulu Palm <i>Pritchardia beccariana</i>	2-3-05:1 Kalākaua Park	County of Hawai'i	91-140
Loulu Palm <i>Pritchardia schattaueri</i>	8-9-6:04 South Kona	Farms of Kapua, Ltd.	91-140
Monkeypod <i>Samanea saman</i>	2-1-03:27 Lihikai Street	Suisan Company	91-140
Moreton Bay Fig <i>Ficus macrophylla</i>	7-5-6:12 Portion of Kailua Village, North Kona	Burgess, Inc.	06-136
'Ōhi'a	1-5-1:56 Ka'ōhe Homesteads, Pāhoa	Robert E. O'Neill	03-145
'Ōhi'a Lehua <i>Metrosideros polymorpha</i>	2-3-27:01 Rainbow Falls Park, Hilo	State of Hawai'i	91-140, 00-121
'Ōhi'a Lehua <i>Metrosideros polymorpha</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i	91-140, 00-121
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Pili nut <i>Canarium sp.</i>	8-1-9:01 South Kona	George Schattauer	91-140
Pua Kenikeni <i>Fagraea berteriana</i>	3-6-09:31 Laupāhoehoe Police Station	County of Hawai'i	91-140
Surinam Cherry <i>Eugenia uniflora</i>	2-3-14:07 Waiānuenu Avenue	Hilo United Methodist Church	91-140
Terminalia Chebula	2-3-01:2 Kamehameha Avenue	County of Hawai'i	02-123
Valencia Orange (Vancouver) <i>Citrus sinensis</i>	8-1-9:1 Kaawaloa, South Kona	Margaret Schattauer	07-124

(1991, ord 91-140, sec 2; am 1993, ord 93-8, sec 1; am 1999, ord 99-27, sec 1; am 2000, ord 00-121, sec 1; am 2002, ord 02-123, sec 1; am 2003, ord 03-145, sec 1; am 2005, ord 05-158, sec 1; am 2006, ord 06-26, sec 2; ord 06-135, sec 1; ord 06-136, sec 1; am 2007, ord 07-124, sec 1; ord 07-125, sec 1; ord 07-126, sec 1.)