BILL NO. 88ORDINANCE NO. 18 12

AN ORDINANCE AMENDING CHAPTER 23, ARTICLE 11, SECTION 23-118 OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO CRITERIA TO DETERMINE A PRE-EXISTING LOT.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

**SECTION 1.** Chapter 23, article 11, section 23-118, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to read as follows:

**"Section 23-118. Criteria to determine a pre-existing lot.**

The director shall certify that a lot is pre-existing if the lot meets one of the following criteria:

- (a) The lot was created and recorded prior to November 22, 1944 or the lot was created through court order (e.g. partition) prior to July 1, 1973, and the lot had never been legally consolidated, provided that no pre-existing lot shall be recognized based upon a lease except for a lease which complied with all other applicable laws when made, including Territorial statutes regulating the sale or lease of property by lot number or block number, and on September 25, 2002, the proposed lot contains a legal dwelling, or has been continuously leased since January 8, 1948, as a separate unit.
- (b) The lot was created prior to December 21, 1966, as an agricultural lot in excess of twenty acres pursuant to County ordinance.
- (c) The lot was created through evidence of a properly prepared deed and/or subdivision plat for fee simple ownership of such lot to a grantee other than the grantor or a grantor's trust which deed was recorded at the State of Hawai'i Bureau of Conveyances or with the Registrar of the Land Court prior to May 1, 1999, and was subsequently depicted on a County of Hawai'i Tax Map, was issued a tax map parcel number therefor, and was individually assessed for real property taxation purposes.

**SECTION 2.** New material is underscored. In printing this ordinance, the underscoring need not be included.

**SECTION 3.** Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

**SECTION 4.** This ordinance shall take effect upon its approval.

INTRODUCED BY:

 **B/R**  
\_\_\_\_\_  
COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i  
Date of Introduction: January 24, 2018  
Date of 1<sup>st</sup> Reading: January 24, 2018  
Date of 2<sup>nd</sup> Reading: February 7, 2018  
Effective Date: February 20, 2018

**REFERENCE Comm.** 656

OFFICE OF THE COUNTY CLERK  
County of Hawai'i  
Hilo, Hawai'i

COUNTY CLERK  
COUNTY OF HAWAII

2018 FEB 21 AM 9:07

Introduced By: Karen Eoff (B/R)  
Date Introduced: January 24, 2018  
First Reading: January 24, 2018  
Published: February 3, 2018

REMARKS: \_\_\_\_\_  
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Second Reading: February 7, 2018  
To Mayor: February 15, 2018  
Returned: February 21, 2018  
Effective: February 20, 2018  
Published: March 3, 2018

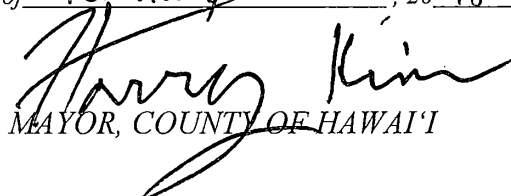
REMARKS: \_\_\_\_\_  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kanuha	X			
Lee Loy	X			
O'Hara	X			
Poindexter	X			
Richards	X			
Ruggles	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung			X	
David	X			
Eoff	X			
Kanuha	X			
Lee Loy			X	
O'Hara	X			
Poindexter	X			
Richards	X			
Ruggles	X			
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I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

Approved Disapproved this 20<sup>th</sup> day  
of February, 2018.

  
MAYOR, COUNTY OF HAWAII

  
COUNCIL CHAIRPERSON  
  
COUNTY CLERK

Bill No.: 88  
Reference: C-656/PC-43  
Ord No.: 18 12