

Hawaii Revised Ordinances

Sec. 14-32.2 Surface maintenance. (a) Subject to the availability of appropriations, the department of facility maintenance may maintain by either remedial patching, resurfacing, or paving those portions of private, nondedicated and nonsurrendered streets and roads that have been determined by the chief engineer of the department of facility maintenance, with the approval of the director of the department of transportation services and the director of the department of planning and permitting, to meet the following criteria: (1) The street or road has not been dedicated or surrendered to the city or any other governmental entity, and is not otherwise owned by the city or any other governmental entity; (2) The street or road is not maintained by any governmental entity other than the city pursuant to this article; (3) The street or road is open to, serves, and benefits the general public; (4) The street or road is not signed, marked, delineated, fenced, barricaded, or otherwise designed, constructed or operated to exclude access by the general public, in whole or in part, which may be through such means as signs indicating that the street or road is a “private” street or road, or any restrictions on parking that are not applicable to all persons except as otherwise provided by law; (5) The street or road directly serves: (A) Six or more parcels; (B) Six or more residential structures; or (C) A parcel of land which has one or more condominium buildings or apartment buildings that contain six or more condominium or apartment units; (6) The street or road is not part of a cluster housing development, planned development, or similar type of development; (7) Maintenance of the street or road by the city will be practicable and safe; (8) The street or road is not a private street or road within the meaning of Chapter 22 or the rules adopted pursuant thereto; (9) The developer or subdivider of the street or road has not agreed to maintain the street or road in perpetuity; (10) An association of apartment owners or homeowners association does not maintain the street or road; (11) Maintenance of the street or road surface is necessary to protect the safety of motorists, bicyclists, and pedestrians or is otherwise in the public interest; and (12) The street or road does not suffer such design defects as to make use of the street or road hazardous to the general public.