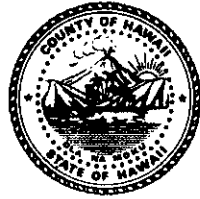


COUNTY OF HAWAI'I



STATE OF HAWAI'I

RESOLUTION NO. 401 06
(Draft 2)

**RESOLUTION AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT TO CONTINUE AN AMNESTY PROGRAM REGARDING
DERELICT VEHICLE RECYCLING AND DISPOSAL FROM PRIVATE PROPERTY.**

WHEREAS, derelict vehicles contribute to blight in neighborhoods island-wide, which increases the likelihood of various crimes as well as illegal dumping; and

WHEREAS, the beneficial scrap metal recovery market has reduced costs of recycling scrap metal over the last two years, providing funding for expanded derelict vehicle collections; and

WHEREAS, Hawai'i County Code, section 25-1-5 (b) provides the definition of a "junkyard" as anything more than two hundred square feet, which translates to anything more than two inoperable vehicles; and

WHEREAS, derelict vehicles are an environmental and safety hazard primarily due to leaking petroleum products and other fluids; and

WHEREAS, derelict vehicles also collect sitting water, providing a breeding ground for mosquitoes, as well as vermin, and carrying the risk of transmitting various diseases; and

WHEREAS, the Vehicle Disposal Fund was created in 1994, collecting an annual fee from all vehicles at the time of their yearly registration, for the express purpose of appropriate disposal at the end of a vehicle's useful life; and

WHEREAS, Ordinance 94-101 amended Hawai'i County Code, chapter 24, section 24-199 (b) Vehicles and Traffic. It declares that abandoned and derelict vehicles on public or private streets are a public nuisance; and

WHEREAS, the County Council finds that there is a public purpose in reducing the number of derelict cars on private roads, roads in limbo, and private properties and the program has proven its benefit to the residents and County in its first year; and

WHEREAS, Resolution 25-04 was adopted by Council on December 21, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAII, that an amnesty program for the removal and recycling of derelict vehicles on private properties will be continued through Fiscal Years 2006-2008.

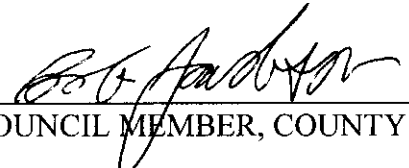
BE IT FURTHER RESOLVED, that the owner of the property must sign an affidavit attesting to certain facts concerning the ownership and location of the derelict vehicle(s), that there be no more than two derelict vehicles to be removed per owner or per parcel, and that it is physically possible for a County contracted tow truck to safely remove the derelict vehicle(s),

BE IT FURTHER RESOLVED, there will be a priority system for determining the order of response for eligible vehicles. The first priority will be derelict vehicles that are on private roads that are accessible to the public. The second priority will be on the shoulders of all roadways that are accessible to the public. The third priority will be within twenty-five feet of any private property border that is adjacent to a roadway that is accessible to the public. The last priority will be vehicles that have safe and efficient access for tow trucks, yet are further than twenty-five feet from publicly accessible roads. Requests will be handled in order of priority, on a first-come, first served basis and may be adjusted depending upon space available at the scrap metal recovery yards.

BE IT FURTHER RESOLVED, that the County Clerk of the County of Hawai'i shall forward copies of this resolution to the Office of the Mayor and to the Departments of Police, Finance, and Environmental Management.

Dated at Kona, Hawai'i, this 19th day of July 2006.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

COUNTY COUNCIL
County of Hawai'i
Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on July 19, 2006.

ATTEST:





COUNTY CLERK CHAIRMAN & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
ARAKAKI	X			
HIGA	X			
HOFFMANN	X			
HOLSCHUH	X			
IKEDA	X			
ISBELL	X			
JACOBSON	X			
PILAGO	X			
SAFARIK	X			
	9	0	0	0

Reference: C-949.1/EMC-11

RESOLUTION NO. 401 06

(Draft 2)