

Kalapana Vendor Information Sheet - April 25, 2018

Visitors are coming in increasing numbers to view the active lava viewing in the Kalapana area. Tours, bike rentals, and other related business is booming! *BUT* is your business legal?

Hawaii County Code ("HCC") Section 22-2.5 prohibits the commercial use of any portion of County roadways for the purpose of displaying, vending, hawking, selling, renting or leasing any goods, wares, food, merchandise or other kinds of property. The County will begin strict enforcement of this law in the Kalapana area to ensure its uniform application across the island, and to ensure the safety of visitors and residents utilizing Highway 130. Please note that HCC Section 22-2.6 prohibits the construction, erection, or installation of any signs, bills, posters, or other advertising materials on any County street. Additionally, pursuant to Hawaii Revised Statutes § 291C-36, it is illegal to erect any unauthorized sign, signal, marking, or device which attempts to direct movement of traffic on the roadway. To summarize, all vending and commercial use of the roadway, along with the posting of unauthorized signage are prohibited.

Below is information that may prove helpful in ensuring your business' next steps fall within the law, should you find a suitable location to vend off the roadway.

Special Management Area Permit: <http://www.hiplanningdept.com/resources-and-references/special-management-area-sma/>. Lands in close proximity to the shoreline including all lands ocean side of Highway 130 require a Special Management Area (SMA) permit to guide and ensure the continued protection of valuable natural resources along the shoreline. For more information contact:

County of Hawaii, Planning Department

Aupuni Center - 101 Pauahi Street, Suite 3, Hilo, HI 96720

(808) 961-8288 or planning@hawaiicounty.gov

Agriculture Zoned Lands Special Permit: Lands generally situated on both sides of Highway 130 in the Kalapana area are situated within the State Land Use Agricultural District. Non-agricultural uses may require a Special Permit issued by the Windward Planning Commission or the State Land Use Commission, depending on the size of the parcel and desired use. For more information contact:

County of Hawaii, Planning Department

Aupuni Center - 101 Pauahi Street, Suite 3, Hilo, HI 96720

(808) 961-8288 or planning@hawaiicounty.gov

Grubbing & Grading Permit: <http://www.hawaiicounty.gov/pw-online-requests-permit-app/#Eng>

A grubbing permit is required when grubbing more than 1 acre. A grading permit is required when any one of the following occur for an excavation or fill:

- More than 100 cubic yards of excavation or fill;
- Vertical height of excavation or fill exceeds 5 feet; or
- When general and localized drainage pattern with respect to abutting property lines is altered.

For more information contact:

County of Hawaii, Department of Public Works

Aupuni Center - 101 Pauahi Street, Suite 7, Hilo, HI 96720

(808) 961-8321 or public_works@hawaiicounty.gov

Temporary Structure (Tents) Permit– Fire Department: <http://www.hawaiicounty.gov/fire-forms-and-applications/>.

Temporary structures and tents that are open to the general public require temporary structure permits. For more information contact:

County of Hawaii, Fire Department

County Building - 25 Aupuni Street, Suite 2501, Hilo, HI 96720

(808) 932-2900 or fire@hawaiicounty.gov

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Temporary Structure (Tents) Permit – Public Works Department: Temporary structures greater than 120 square feet require a temporary permit. Temporary structures shall be located in accordance with IBC Table 602, based on the fire-resistance rating, occupancy classification and proposed type of construction. Temporary structures and tents are not permitted for more than 180 days. Temporary structures of membrane or tent-type material greater than 750 square feet must be non-flammable rated or non-combustible treated. Applications are found at the following links:
[http://records.co.hawaii.hi.us/weblink/1/edoc/70803/Temporary%20Structure%20Permit%20Application%20\(fillable\).pdf](http://records.co.hawaii.hi.us/weblink/1/edoc/70803/Temporary%20Structure%20Permit%20Application%20(fillable).pdf).

<http://records.co.hawaii.hi.us/weblink/Browse.aspx?dbid=1&startid=70802>.

For more information contact:

County of Hawaii, Department of Public Works- Building Division

Aupuni Center - 101 Pauahi Street, Suite 7, Hilo, HI 96720

(808) 961-8331 or cohbuild@hawaiicounty.gov

Construction of a Building – Public Works Department: <http://www.hawaiicounty.gov/pw-building-permit-info>.

Construction of buildings require permits from multiple County departments including Planning, Public Works, Fire, and Department of Health to assure occupants' health and safety and compatibility with the community and environment.

For more information contact:

County of Hawaii, Department of Public Works

Aupuni Center - 101 Pauahi Street, Suite 7, Hilo, HI 96720

(808) 961-8321 or public_works@hawaiicounty.gov

Transport of Passengers Certificate and Permit: <http://puc.hawaii.gov/filing/motor-carriers/>. The transport of passengers for a fee requires a State of Hawaii Public Utilities Commission certificate and permit. For more information contact:

State of Hawaii, Public Utilities Commission

688 Kinoole Street, #106-A, Hilo, HI 96720

(808) 974-4533 or puc@hawaii.gov

Food Service Permit: <http://health.hawaii.gov/san/food-information/>. The sale of certain foods and beverages requires a permit, training and inspections by the State of Hawaii Department of Health. For more information contact:

State of Hawaii, Department of Health - Hawaii District Health Office/Hilo

1582 Kamehameha Avenue, Hilo, HI 96720

(808) 933-0917

General Excise Tax: <http://tax.hawaii.gov/>. All commercial businesses and non-profits conducting certain activities or services for a fee are required to pay State of Hawaii General Excise Tax. For more information contact:

State of Hawaii, Department of Taxation

75 Aupuni Street, #101, Hilo, HI 96720

(808) 974-6321 or Tax.Hilo.Office@hawaii.gov

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