

## BY AUTHORITY

ORDINANCE NO. 57

## REGULATING THE USE AND OPERATION OF VEHICLES ON THE PUBLIC HIGHWAYS OF THE COUNTY OF MAUI.

## DEFINITIONS.

Section 1. Definitions. Whenever in this act or in any proceedings under this act the following terms shall be used, they shall be deemed and construed to have the meaning herein ascribed to them:

(1) "Vehicle." Any device for the conveyance, drawing or other transportation of persons or property, suitable for use on the highways, whether operated on wheels or runners or by other means, except those propelled or drawn by human power or those used exclusively upon tracks.

(2) "Motor Vehicle." Any self-propelled vehicle not operated exclusively on tracks, except tractors.

(3) "Operator." Any person who drives or operates a vehicle or tractor.

(4) "Operate." Drive, propel, or cause to be operated, driven or propelled.

(5) "Public Highways." All roads, streets, alleys, lanes, courts, parks, parkways, driveways, squares or places intended for or used by the general public for passage of vehicles in the County of Maui.

(6) "Intersecting Highway." Any highway which joins another at an angle, whether or not it crosses the other.

(7) "Sheriff." Sheriff shall mean the Sheriff of the County of Maui and his deputies.

(8) "Business District." Business district shall mean the territory contiguous to a public highway which is mainly built up on either or both sides with structures devoted to business.

Provided, that the Sheriff shall have placed conspicuously and shall maintain continuously at the boundary line of such business district, signs which shall be placed on the right side of such highway looking towards such district, which shall bear in letters of a size to be easily readable by persons using the highway the words and figures "15 MILES SPEED LIMIT."

(9) "Residence District." The territory contiguous to a public highway, which is on the line of said highway not mainly devoted to business, where for not less than a quarter of a mile the dwelling houses and business structures on either or both sides of such highway average less than one hundred (100) feet apart.

Provided, that the Sheriff shall have placed conspicuously and shall maintain continuously at the boundary line of such residence district, signs which shall be placed on the right side of such highway looking towards such district, which shall bear in letters of a size to be easily readable by persons using the highway, the words and figures "20 MILES SPEED LIMIT."

## EQUIPMENT.

Section 2. "Brakes." Every motor vehicle while being used upon any public highway shall be provided with efficient brakes which shall be kept in good working order. All brakes shall be of sufficient power to bring such vehicle when traveling at a rate or speed of 10 miles an hour over a dry, level, macadam road to a full stop within ten (10) feet from point of application of the brake.

Every operator of a motor vehicle when requested so to do by the Sheriff, his Deputy or any Examiner of Chauffeurs, shall submit such vehicle to a brake test.

Section 3. "Signaling." Every motor vehicle shall be equipped with a suitable horn or whistle in good working order capable of emitting sound audible under normal conditions not less than two hundred (200) feet.

It shall be unlawful for any vehicle except vehicles of the Police, Fire Department, Hospital Ambulance and Emergency Repair Vehicle or Public Utility Companies, to be equipped with a bell or gong.

Section 4. "Mufflers." Every motor vehicle must have devices in good working order which shall be at all times in constant operation to prevent excessive or unusual noise, annoying smoke and the unnecessary escape of gas, steam or oil, as well as the falling out of residue from fuel. All exhaust pipes carrying exhaust gases from the engine shall be directed parallel to the ground or slightly upward. Devices known as "muffler cut-outs" shall not be used within the limits of any business or residence district as herein defined, or when passing any hospital or school house during the hours when school is being held therein.

Section 5. "Mirror." No person shall operate any motor truck or tractor that is so covered, loaded or constructed as to obscure the driver's view of the highway to the rear, unless there is placed on said vehicle a mirror so located as to reflect to the operator a view of the highway for at least two hundred (200) feet behind such vehicle.

Section 6. "Lights." (a) From thirty

(30) minutes after sunset until thirty (30) minutes before sunrise every motor vehicle moving upon any highway shall carry at the front thereof at least two (2) lighted head lamps of equal candle power, and so arranged, adjusted and constructed that when the vehicle is fully loaded, any pair of headlights under the conditions of use must produce a light sufficient to reveal any persons vehicle or substantial object on the highway straight ahead of such automobile for a distance of two hundred (200) feet.

The headlights of motor vehicles shall be adjusted to exact focus, and shall be so arranged, adjusted, and constructed that when the car is fully loaded that any pair of headlights under the conditions of use they must produce a light the main beam of which is thrown straight ahead of such headlights and will not rise to a height greater than sixty (60) inches from the level upon which the car stands at a distance of one hundred (100) feet in front of such motor vehicle. And in no case shall any such light be equipped with light bulbs exceeding 30 candlepower. Provided, however, that the Sheriff of the County of Maui shall be and he is charged with the duty of installing and maintaining testing stations at or near the town of Wailuku, Kahului, Paia, Lahaina, Hana, and such other reasonably accessible places as may be necessary to enable owners and operators of vehicles to conveniently test headlights of vehicles owned or operated by them to enable them to comply with the requirements of this paragraph.

(b) Tail lights. From thirty (30) minutes after sunset to thirty (30) minutes before sunrise at any time while a motor vehicle is on any highway, there shall be displayed at the rear a tail light which shall display a red light visible not less than two hundred (200) feet from the rear thereof and so constructed and placed that the registration number plate carried on the rear thereof shall be illuminated by a white light in such a manner that the registration number thereon can be plainly distinguished at a distance of not less than fifty (50) feet toward the rear.

(c) During the time hereinbefore specified every motorcycle while moving on a highway shall carry at the front thereof at least one lighted headlight which shall give a light of such power and so distributed as provided in subdivision (a); provided, however, that any motorcycle with a sidecar or similar contrivance attached shall, in addition to the foregoing required light, carry on such sidecar or similar contrivance a lighted lamp visible from a point at least two hundred (200) feet ahead of said motorcycle.

Section 7. "Bicycle lights." At the time specified in Section 6, every bicycle while on a highway shall carry a lighted lamp visible at all times at least two hundred (200) feet in the direction toward which such bicycle is faced, and shall also carry at the rear a reflex mirror or a lighted lamp exhibiting a red light plainly visible for a distance of at least two hundred (200) feet toward the rear.

Section 8. "Lights for Other Vehicles." All vehicles other than those specified in Sections 6 and 7 shall, during the time mentioned in said sections when upon the highway, carry a lighted light on the extreme width of each side so arranged that a light from said lamps shall be visible in every direction for at least two hundred (200) feet.

Section 9. "Spot Lights." All spot lights used upon motor vehicles and tractors shall be so constructed or arranged that no portion of the top of the beam of light shall rise to a point above the level surface upon which the vehicle stands one hundred (100) feet directly ahead of such vehicle, except that when the beam of light is swung not less than thirty (30) degrees to the left or right of the straight ahead position no limitation is placed on the height to which the beam may be raised. Spotlights are lights other than headlights, the direction of which is under the control of any occupant of the vehicle.

Section 10. "Parking Light" Whenever any vehicle is standing on a public highway during the time specified in section six above, and not in motion, the operator thereof shall light and keep lighted either the lights therein required or one light visible from both the front and rear thereof, which shall be carried at the left side thereof and shall show a white light when seen from the front and a red light when seen from the rear. Provided, that where there is sufficient light within the lateral boundaries of the public highway to reveal all persons, vehicles or substantial objects within said boundaries for a distance of one hundred (100) feet, no light shall be required to be displayed on any vehicle while the same is not in operation, providing the wheel of such standing vehicle nearest the side of the road is located within twelve (12) inches of the sidewalk or side of such road.

Section 11. "Load projecting to rear." In any case where a vehicle shall be loaded with any material in

such a manner that any portion of such load extends toward the rear four (4) feet or more beyond the end of the bed or body of such vehicle, there shall be displayed at the extreme end of the load under the conditions of use specified above for lights on motor vehicles, in addition to the ordinary rear or tail light hereinbefore required to be displayed on such vehicles, a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear; provided further, that at other times while such vehicle is upon the highway a red flag or cloth not less than sixteen inches in length nor less than sixteen inches in width shall be displayed at the extreme rear end of such load as a warning signal to persons operating vehicles approaching from the rear.

Section 12. "Cleats, etc., on tires." Other than on vehicles actually engaged at the time in construction or repair work on public highways no tire on any motor or other vehicle operated on or over any public highway or bridge shall have on its periphery any block, stud, flange, cleat, ridge, bead or any other protuberance of metal or wood which projects beyond the tread or traction surface of the tire; but this section shall not be so construed as to prohibit the use of tire chains of reasonable proportion on motor vehicles when required for safety because of rain, mud or other conditions tending to cause such motor vehicle to slide or skid; provided, however, that steam plows, traction engines or tractors the propulsive power of which is exerted not through wheels resting upon the ground, but by means of a flexible band or chain known as a movable track, may be operated upon the public highways with transverse corrugations upon the periphery of said movable tracks, on condition that a permit shall first have been obtained from the County Engineer of the County of Maui under similar conditions as provided in paragraph (d) of Section 16 of this Ordinance.

No solid tires shall be used on any vehicles unless the rubber or composition of such tires, if five (5) inches or less in width, is not less than three-fourths (3/4) of an inch thick, and if more than five (5) inches wide is not less than one (1) inch thick above the edge of the flange of the periphery.

## REGULATIONS AS TO OPERATIONS.

Section 13. "Driving under influence of liquor." No person who is under the influence of intoxicating liquor and no person who is an habitual user of narcotic drugs, shall operate or drive a motor or other vehicle on a public highway within the County of Maui. And it is hereby especially provided that proof that any person driving a motor vehicle has or had partaken of intoxicating liquor, within one hour prior to the time such person is or may be charged with a violation of this section shall be prima facie proof that such person was so driving such vehicle while under the influence of intoxicating liquor.

Section 14. "Speed Limits." (a) Any person operating a vehicle on the public highways of the County of Maui shall operate the same in a careful and prudent manner and at a rate of speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway; no person shall operate a vehicle upon a public highway at such a rate of speed as to endanger the life, limb or property of any person.

(b) It shall be unlawful to operate or drive at a rate of speed in excess of Thirty (30) miles an hour except in the day time and except when the operator or driver has a clear and uninterrupted view of the highway on which he is traveling and of all highways which intersect such highway within four hundred (400) feet ahead of such operator or driver to a distance of at least four hundred (400) feet from the highway on which he is traveling and there is no person, vehicle, or other object visible ahead on such highway on which such operator or driver is traveling within four hundred (400) feet of such operator or driver or on any such intersecting highway within four hundred (400) feet of the point of intersection of the center lines of such highways.

(c) In no case shall any vehicle be operated at a rate of speed in excess of forty (40) miles an hour.

(d) No person shall operate or drive a motor vehicle or other vehicle on any public highway in a Residence District at a greater rate of speed than twenty (20) miles an hour, or in any Business District at a rate of speed greater than fifteen (15) miles an hour or when passing any school house contiguous to such highway during a period of time commencing one hour before the commencement of school and one hour after closing of the school for the day, at a rate of speed greater than fifteen (15) miles an hour.

(e) No vehicle equipped with solid or non-pneumatic rubber tires, sectional block tires or iron tires, shall be operated upon any public highway at a rate of speed exceeding fifteen (15) miles an hour.

(f) The Sheriff, his deputies, police officers, and operators of vehicles of fire departments and ambulances shall be except from the above limitation when such exemption is necessary for the proper performance of their duties.

Section 15. "Restrictions as to size of vehicles." (a) No vehicle shall be operated on or over any public highway if the width of any portion of said vehicle or of any load thereon shall exceed one hundred and two (102) inches.

(b) No vehicle shall be operated on or over any public highway if the height thereof exceeds twelve feet six inches, with any load thereon, or if the length thereof exceeds thirty (30) feet, and no combination of vehicles coupled together shall exceed a length of eighty-five (85) feet nor shall any such combination consist of more than three vehicles.

(c) No vehicle designed for the carrying of passengers shall be operated on or over any public highway having any luggage, package, trunk, crate, box or any other load carried thereon extending beyond the fenders or the line of the hub caps of such vehicle on the left-hand side thereof.

Section 16. "Restrictions as to Weight." (a) No vehicle shall be operated on or over the paved portion of any public highway in the County of Maui which has a total weight, including vehicle and load, in excess of twenty-eight thousand (28,000) pounds when such vehicle is equipped with four wheels running on the highway, or having a total weight, including the vehicle and load, in excess of forty thousand (40,000) pounds when said vehicle is equipped with six (6) wheels and with three axles not less than ninety-six (96) inches apart, without first obtaining a permit as hereinafter provided.

(b) No vehicle shall be operated on or over the paved portion of any public highway in the County of Maui which has a load on any one wheel of more than eleven thousand two hundred (11,200) pounds or a load of more than twenty-two thousand four hundred (22,400) pounds on any one axle, without first obtaining a permit as hereinafter provided.

(c) No vehicle, except as hereinafter otherwise provided, shall be operated upon or over the paved portion of any public highway, the weight of which resting upon the surface of said highway exceeds eight hundred (800) pounds upon any inch of width of tire when said vehicle is equipped with pneumatic or solid tires; and no vehicle shall be operated upon or over the paved portion of any public highway the weight of which resting upon the surface of such highway exceeds six hundred (600) pounds upon any inch of width of tire, roller, wheel or other object coming in contact with the surface of the highway when such tires or the rolling surface of such rollers, wheels or other objects are made in whole or in part of metal, without first obtaining a permit, as hereinafter provided; provided, however, that traction engines or tractors, the propulsive power of which is exerted not through wheels resting upon the ground, but by means of a flexible band or chain known as a movable track, shall not be subject to the foregoing limitations upon permissible weight per inch of width of tire if the portions of the movable tracks in contact with the surface of the highway present plane surfaces.

(d) Permits for excessive weights. Upon application being made therefor the County Engineer of the County of Maui may in his discretion grant a permit to any applicant authorizing such applicant to operate a vehicle and load exceeding in size and weight the limits in this section provided. Such permit shall be subject to such conditions as the County Engineer shall consider proper to safeguard and protect the public highway and the County of Maui from loss or damage by reason of the operation of such excessive weight.

Section 17. "Traffic Regulations." It shall be the duty of every person operating a vehicle or bicycle upon the highways of the County of Maui to obey the following traffic rules and regulations:

(a) Vehicles at Rest. All vehicles when not in motion upon the public highway shall be so placed thereon that the right wheels of such vehicles shall not be more than twelve (12) inches from the right edge of curb of such highway, unless otherwise directed by a police officer in charge of traffic.

(b) No vehicle shall be left unattended with engine running.

(c) Drive on Right Side of Highway. On all occasions the operator of a vehicle on a public highway shall operate the same upon the right half of such highway unless it is impracticable to travel on such side of the highway and except when overtaking and passing other vehicles, in which case the vehicle may be operated on the left side of the highway, if such left side is unobstructed and visible for at least one hundred (100) yards ahead.

In crossing intersections of highways or railroad rights of way, the

operator of a vehicle shall at all times cause such vehicle to travel on the right half of such highway or right of way unless such right side is obstructed or impassable.

(d) Meeting of Vehicles. Vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other one-half the road as nearly as possible.

Outside of residence or business districts vehicles which are passing each other in opposite directions shall have the right of way, and no other vehicle to the rear of either of such two vehicles shall pass or attempt to pass such two vehicles.

(e) Rounding Curves. It shall be the duty of the operator of a vehicle when driving in defiles, gulches or mountain passes or along the highways where the curvature of the road or highway prevents a clear view for a distance of three hundred (300) feet, to keep such vehicle under control and as near to the right edge of curb of the highway as reasonably possible. The operator of a motor vehicle or tractor in approaching curves shall give an audible warning with his horn or other warning device.

(f) Overtaking a Vehicle. A vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof, and shall not again drive to the right side of the highway until reasonably clear of such overtaken vehicle. It shall be the duty of the operator of a vehicle about to be overtaken and passed to give way to the right in favor of the overtaking vehicle, on suitable and audible signal being given by or on behalf of the operator, driver or other person in charge or control of such overtaking vehicle.

No operator of any vehicle shall operate or drive the same so as to pass or overtake any other vehicle going in the same direction at any highway intersection unless directed so to do by a traffic or police officer.

The operator of an overtaking motor vehicle shall give audible warning with his signal device before passing or attempting to pass a vehicle proceeding in the same direction.

(g) Turning Around Center of an Intersection. The operator of a vehicle approaching an intersection of a public highway, with the intention of turning thereat, shall, in turning to the right, keep to the right of the center of such intersection and as closely as possible to the right curb or edge of such highway, and in turning to the left at such intersection shall run beyond the center of such intersection, passing to the right thereof, before turning such vehicle to the left.

No vehicle, except a vehicle operated by the fire or police department shall be turned so as to proceed in the opposite direction except at an intersection of the public highway. In so turning vehicles shall pass beyond and around the center of such intersection. This paragraph shall not apply except in a Business District.

(h) Right of Way at Crossings or Intersections. At any highway intersection a person operating a vehicle or riding an animal shall have the right of way over a person driving or operating a vehicle or riding an animal approaching him on such intersection on the left.

(i) The operator of any vehicle when approaching any public highway from any private roadway, lane or alley shall ascertain that said public highway is clear of traffic for such distance on either side of such private roadway, lane or alley, as to enable such vehicle to proceed upon such public highway without endangering the person or property of others traveling thereon.

(j) Signal for Turns. The persons in charge of any vehicle in or upon any highway, before turning, stopping, or changing the course of such vehicle and when starting the same, shall see first that there is sufficient space for such movement to be made in safety, and if the movement or operation of other vehicles may reasonably be affected by such turning, stopping or changing of course, shall give plainly visible signal to the persons operating, driving or in charge of such other vehicles of his intention so to turn, stop or change his course, by the use of his hand and arm, which must be visible from the rear.

When giving the signal required by this section the intention to turn such vehicle toward the right or left shall be indicated by extending the hand and full arm horizontally from and beyond the side of the vehicle toward which the turn is to be made, or by extending the hand and full arm as near vertical as practicable from and beyond the side of the vehicle opposite toward which the turn is to be made; when the signal to be given is to indicate the intention to stop a vehicle or to abruptly or suddenly check its speed such signal shall be given by extending the hand and full arm out from and beyond either side of the vehicle and extended down.

Section 18. "Parking." (a) No person operating or in charge of any vehicle between the hours of 8 A. M. and 5:30 P. M. shall allow such vehicle to remain standing for a period longer than thirty (30) minutes on

any public highway in any business district as herein defined.

(b) Nor shall any person operating or in charge of any vehicle licensed to carry passengers or freight for hire, allow such vehicle to remain standing on any public highway in any business or residence district as herein defined, between the hours of 8 A. M. and 5:30 p. m. any longer than is reasonably necessary to take on or discharge such passengers or freight.

Provided, however, that the Sheriff or traffic officer may designate highways or portions thereof which vehicles may occupy and while occupying such highways or portions thereof the limits of time herein provided shall not apply.

Section 19. "Traffic Officers—Powers of." Traffic officers at steamer landings, highway intersections, railroad depots, theaters, places of general public resort, and also along routes of processions, shall have full control of the movement or placing of all vehicles, and pedestrians. Traffic officers shall signal by wave of the arm, cane or other instrument that can be seen at least fifty (50) feet in every direction in which vehicles shall move or when vehicles shall stop, or where and how standing vehicles shall be placed.

Whenever there is a traffic officer in charge of any such place, the driver of a vehicle shall indicate the direction in which he wishes to travel at least fifty (50) feet from the traffic officer and in the manner provided in Part (i) of Section 17 hereof, and shall not proceed until ordered so to do by the traffic officer by signal.

In crossing highways or turning corners where a traffic officer is in charge, the person driving, operating, propelling or in charge of a vehicle shall not permit any part of such vehicle to pass beyond a line drawn between the highway corners of the properties on either side of said vehicle without first receiving a signal so to do by the said traffic officer.

## PENALTIES.

Section 20. "Penalties." Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five (\$5.00) Dollars and not more than Five Hundred (\$500.00) Dollars together with costs; and in default in the payment of such fine and/or costs, shall be imprisoned until such fine and/or costs shall be discharged by operation of the general law applicable in such cases, and in addition to the penalty hereinbefore provided, the certificate entitling such person to drive, operate or propel any motor vehicle may be suspended for a period of not more than one (1) year.

Any person convicted of driving, operating, propelling or being in charge of a motor vehicle upon any highway while intoxicated shall, in addition to the penalties hereinbefore provided, forfeit for one (1) year his certificate entitling him to drive, operate or propel any such vehicle.

Section 21. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 22. This ordinance shall become effective from and after the first day of January, 1922.

The Board of Supervisors within and for the County of Maui.

(Signed) By S. E. KALAMA,  
Chairman and Executive Officer.

(Seal)

Attest:

WM. FRED KAAE,  
Clerk of the Board of Supervisors of the County of Maui.

I hereby certify that Ordinance No.

57 of which the foregoing is a true and correct copy, was passed on final reading by the Board of Supervisors of the County of Maui, on the 9th day of December, 1921, at the regular December, 1921, meeting of said Board, all of the members of said Board voting in favor thereof, and a true copy thereof ordered to be posted upon a bulletin board in front of or near the rooms occupied by the Board of Supervisors of the County of Maui and copies thereof ordered to be published in one (1) issue of the Wailuku Times and the Maui News, newspapers of general circulation published at Wailuku, Maui, Territory of Hawaii.

WM. F. KAAE,  
County Clerk of the County of Maui,  
Territory of Hawaii.

**RESTAURANT**  
CHINESE CHOP SUEY  
BREAD FOR SALE  
GENERAL MERCHANDISE  
**KWONG SUN LOY**  
Lower Paia, Maui

**T. HOSHI**  
CLOTHES CLEANED AND  
PRESSED  
HATS CLEANED  
KALUA AVENUE WAILUKU