

Bond Case Briefs

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MUNICIPAL ORDINANCE - HAWAII

State v. Zowail

Supreme Court of Hawai'i - June 15, 2020 - P.3d - 2020 WL 3167656

Defendant was convicted in the District Court of violating city ordinance prohibiting engaging in business on a public sidewalk where the operation impeded the public.

Defendant appealed. The Intermediate Court of Appeals affirmed. Certiorari was granted.

The Supreme Court held that:

- Term “operation” in ordinance did not include bystanders or spectators;
- Even if term “operation” in ordinance was ambiguous, court was required to construe it narrowly to include only the area; and
- Defendant’s conduct was insufficient to support conviction for violation of ordinance.