

JAN 20 2023

A BILL FOR AN ACT

RELATING TO NOISE CONTROL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 342F, Hawaii Revised Statutes, is
2 amended by adding a new subpart to part II to be appropriately
3 designated and to read as follows:

4 " **AMPLIFIED SOUNDS IN WAIKIKI**

5 **§342F- Definitions.** As used in this subpart, unless
6 the context otherwise requires:

7 "Amplified sound" means any sound created by the use of a
8 sound amplifier.

9 "Detached dwelling" means a building containing one or two
10 dwelling units, entirely surrounded by yards or other separation
11 from buildings on adjacent lots. For the purposes of this
12 definition, dwelling units in a two-family detached dwelling
13 includes dwelling units on separate floors or attached by a
14 carport, garage or other similar connection, or attached solid
15 wall without openings that are no less than fifteen feet or
16 fifty per cent of the longer dwelling.



1 "Enforcement officer" means an officer of the police
2 department of the city and county of Honolulu or any individual
3 designated by the director to enforce this subpart.

4 "Hotel" means a building or group of buildings containing
5 lodging or dwelling units offering transient accommodations; a
6 lobby, clerk's desk, or counter with twenty-four-hour clerk
7 service; and facilities for registration and keeping of records
8 relating to hotel guests. "Hotel" include accessory uses and
9 services intended primarily for the convenience and benefit of
10 the hotel's guests, such as restaurants, shops, meeting rooms,
11 or recreational and entertainment facilities.

12 "Multi-family dwelling" means a building containing three
13 or more lodging or dwelling units that is not a hotel.

14 "Noise disturbance" means any sound that:

- 15 (1) Is unreasonably loud or disturbing;
- 16 (2) Annoys or disturbs a person of normal sensitivities at
17 a distance of thirty feet or more from the sound
18 amplifier; or
- 19 (3) Exceeds eighty decibels continuously for a combined
20 total of one minute in any five-minute period,



1 measured from a distance no farther than eight feet
2 from the sound amplifier.

3 "Public sidewalk" means that portion of a street between a
4 curb line or the pavement of a roadway, and the adjacent private
5 or public property line, as applicable, intended for the use of
6 pedestrians, including any setback areas required for road
7 widening purposes, that is publicly owned or maintained.

8 "Sound amplifier" means a device used for the reproduction
9 or amplification of sound, including but not limited to a
10 microphone, loudspeaker, phonograph player, compact disc player,
11 tape deck, smartphone, tablet, laptop computer, or musical
12 instrument.

13 "Waikiki" has the same meaning as in section 712-1207.

14 **§342F- Amplified sound; restrictions; Waikiki.** (a)

15 Notwithstanding section 342F-30, it shall be unlawful for any
16 person to play, use, operate, or permit to be played, used, or
17 operated, on a public sidewalk, a sound amplifier that is within
18 thirty feet of a hotel, detached dwelling, or multi-family
19 dwelling in Waikiki in a manner as to create a noise disturbance
20 between the hours of 7:00 p.m. and 6:00 a.m.



1 (b) The playing, use, or operation of a sound amplifier in
2 a manner or at a volume as to be audible at a distance of thirty
3 feet or more from the sound amplifier or as to exceed eighty
4 decibels continuously for a combined total of one minute in any
5 five-minute period, measured from a distance no farther than
6 eight feet from the sound amplifier shall be prima facie
7 evidence of the creation of a noise disturbance.

8 (c) The director shall adopt rules pursuant to chapter 91
9 to carry out the purposes of this subpart.

10 **§342F- Exemptions.** The following shall be exempt from
11 this subpart:

12 (1) Activities of the federal government, State, or city
13 and county of Honolulu, or any department, agency, or
14 political subdivision of the federal government,
15 State, or city and county of Honolulu;

16 (2) Amplified sound emitted:

17 (A) To alert persons to the existence of a public or
18 personal emergency; or

19 (B) In the performance of emergency work; and



1 (3) Any parade or activity for which a permit has been
2 issued by the city and county of Honolulu or approved
3 by the director pursuant to section 342F-30.

4 **§342F- Penalties.** (a) An enforcement officer who
5 finds that a person is in violation of this subpart may serve
6 the person with a notice of violation and request the person to
7 cease the violation. If the person refuses to cease the actions
8 resulting in the violation, an enforcement officer may note the
9 violation of this subpart by the person, and issue the person a
10 summons or citation, warning the person to appear and to answer
11 to the charge against the person at a certain place and time
12 within days after the summons or citation is issued.

13 (b) Any person who violates this subpart or any rule
14 adopted pursuant to this subpart shall be subject to the
15 following civil penalties:

16 (1) For a first violation within a one-year period, a fine
17 of \$100; and

18 (2) For a second or subsequent violation within one year
19 of a previous violation, a fine of \$250.

20 (c) In addition to other penalties provided by law, a
21 person who violates this subpart or any rule adopted pursuant to



1 this subpart shall be guilty of a petty misdemeanor and, upon
2 conviction, shall be punished as follows:

- 3 (1) For a first offense, a fine of \$100;
- 4 (2) For a second offense within one year of a previous
5 conviction under this section, a fine of \$250; and
- 6 (3) For a third or subsequent offense within one year of
7 two prior convictions under this section, one or any
8 combination of the following:

9 (A) A fine of no less than \$500 and no more than
10 \$1,000;

11 (B) Forfeiture of the sound amplifying device; or

12 (C) Imprisonment not exceeding thirty days.

13 **§342F- Enforcement.** (a) An enforcement officer shall
14 have the authority to enforce this subpart or any rule adopted
15 pursuant to this subpart, including the authority to arrest or
16 issue a summons or citation to the person believed to have
17 violated this subpart.

18 (b) Arrests for offenses under this subpart shall be made
19 in compliance with chapter 803."



1 SECTION 2. Chapter 342F, Hawaii Revised Statutes, is
2 amended by designated sections 342F-30 to 342F-33 as subpart A
3 and inserting a title before section 342F-30 to read as follows:

4 **"A. GENERAL PROVISIONS"**

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.

10

INTRODUCED BY: _____



S.B. NO. 589

Report Title:

Amplified Sounds; Noise Disturbances; Waikiki; Restriction;
Fines; Penalties

Description:

Makes unlawful for any person to play, use, operate, or otherwise permit a sound amplifier that creates a noise disturbance within thirty feet of a hotel, detached dwelling, or multi-family dwelling in Waikiki between the hours of 7:00 p.m. to 6:00 a.m. Establishes civil fines and criminal penalties for violations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

