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# A BILL FOR AN ACT

RELATING TO NUISANCES.

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

1       SECTION 1. Chapter 712, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4                       **"PART     .   PROPERTY NUISANCE**

5       §712-       **Property Nuisance.** (a) A person commits the  
6 offense of promoting a property nuisance by owning, leasing,  
7 occupying, or having charge or possession of any property and  
8 maintaining that property in a manner that any one or more of  
9 the following conditions or activities is allowed to exist or  
10 continue:

- 11       (1) The keeping, storage, depositing, or accumulation on  
12       the property of any personal property that is within  
13       the view of persons on adjacent or nearby real  
14       property or the public highway when the personal  
15       property constitutes visual blight, reduces the  
16       aesthetic appearance of the neighborhood, is offensive  
17       to the senses, or is detrimental to nearby property or



1 property values. Personal property includes but is  
2 not limited to:

3 (A) Abandoned, wrecked, or dismantled automobiles or  
4 unseaworthy boats or vessels;

5 (B) Automotive parts and equipment, appliances, and  
6 furniture; and

7 (C) Containers, packing materials, scrap metal, wood,  
8 building materials, concrete masonry units,  
9 rubbish, and debris.

10 Wood and building materials being used, or to be used,  
11 for a project of repair or renovation and for which an  
12 active building permit is in existence may be stored  
13 for as long as is necessary to complete the project  
14 expeditiously. Upon expiration or cancellation of the  
15 building permit, wood and building materials for the  
16 project must be immediately removed;

17 (2) The keeping, storage, depositing, or accumulation of  
18 dirt, sand, gravel, concrete, concrete masonry units,  
19 or other similar materials that constitute visual  
20 blight or reduces the aesthetic appearance of the  
21 neighborhood or is offensive to the senses or is  
22 detrimental to nearby property or property values;



- 1       (3) The operation of a junk yard or automobile dismantling
- 2       yard, except as a permitted use in an industrial zone;
- 3       (4) The permitting of standing or stagnant water to
- 4       accumulate, allowing vermin to live, bred, and
- 5       multiply;
- 6       (5) Any dangerous, unsightly, or blighted condition that
- 7       is detrimental to the health, safety, or welfare of
- 8       the public;
- 9       (6) Any condition recognized in law or in equity as
- 10      constituting a public nuisance;
- 11      (7) The maintenance of the exterior of any vacant or
- 12      unoccupied building or the interior of any building
- 13      that is readily visible from any public highway or
- 14      adjacent parcel of property in a state of
- 15      unsightliness so as to constitute a blighted condition
- 16      detrimental to the property values in the neighborhood
- 17      or otherwise detrimental to the public welfare;
- 18      (8) Any unimproved real property that has become a dumping
- 19      ground for litter, garbage, junk, debris, or discarded
- 20      vehicles, vehicle parts, or vehicle hulks, and which
- 21      real property has been subject to abatement action on
- 22      one or more occasions pursuant to this chapter;



(9) Any illegal activity occurring on the property that is detrimental to the life, health, safety, and welfare of the residents, neighbors, or public. For purposes of this chapter, illegal activity is defined as any violation of state or federal law, rules or regulations, or county ordinances or rules.

(b) Promoting a property nuisance is a misdemeanor."

SECTION 2. Section 712-1270, Hawaii Revised Statutes, is amended to read as follows:

**"§712-1270 Places used to commit offenses against public health and morals, a nuisance.** Every building, premises, or place used for the purpose of violating those laws pertaining to offenses against public health and morals contained in parts I, II, ~~[and]~~ IV, and \_\_\_\_\_ of this chapter, except offenses under part IV ~~[which]~~ that do not involve the manufacture or distribution of drugs, and every building, premises, or place in or upon which the violations are held or occur in parts I, II, ~~[and]~~ IV, and \_\_\_\_\_, is a nuisance that shall be enjoined, abated, and prevented, regardless of whether it is a public or private nuisance."



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

4       SECTION 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6       SECTION 5. This Act shall take effect upon its approval.  
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INTRODUCED BY:

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JAN 21 2009



**Report Title:**

Nuisance; Misdemeanor

**Description:**

Makes the maintenance of a property nuisance a misdemeanor.

