
A BILL FOR AN ACT

RELATING TO NOISE CONTROL.

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

SECTION 1. Chapter 281, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

"§281- Revocation, suspension, or denial of license.
Notwithstanding any law to the contrary, the commission may revoke or suspend a license, deny the application, renewal, or transfer of a license, or withhold issuance of a license, if the licensee or applicant, as applicable, fails to take corrective action that, to the commission's satisfaction and approval, addresses:

- (1) Complaints from the public;
- (2) Reports from the commission's investigators;
- (3) Summons or citations issued pursuant to section 342F- ; or
- (4) Adjudications of the commission or the liquor control adjudication board,



1 indicating that noise emitting from an establishment, adjacent
2 outdoor areas under the control of the establishment, including
3 parking lots or lanais, or patrons entering or departing from
4 the establishment disturbs residents on the street or of the
5 neighborhood in which the establishment is located, and the
6 noise exceeds the applicable maximum permissible sound levels
7 set forth in the county's noise codes or commission rules, or
8 intrudes into nearby residential units, or the establishment is
9 in violation of section 342F- ."

10 SECTION 2. Chapter 342F, Hawaii Revised Statutes, is
11 amended by adding a new section to part II to be appropriately
12 designated and to read as follows:

13 **"§342F- Noise violations; maximum permissible sound**
14 **level; enforcement; penalty.** (a) Notwithstanding any law to
15 the contrary, noise emitting from an establishment; adjacent
16 outdoor areas under the control of the establishment, including
17 parking lots or lanais; or patrons entering or departing from
18 the establishment shall not exceed the following sound levels:

19 (1) In areas zoned as conservation, preservation,
20 residential, open, or open space, or designated a



1 similar type of zoning, the maximum sound level shall
2 be:

3 (A) Fifty-five decibels (dBC) during the hours of
4 7:00 a.m. to 10:00 p.m.; and

5 (B) Forty-five decibels (dBC) during the hours of
6 10:00 p.m. to 7:00 a.m.;

7 (2) In areas zoned as apartment, business, commercial,
8 hotel, or resort, or designated a similar type of
9 zoning, the maximum sound level shall be:

10 (A) Sixty decibels (dBC) during the hours of
11 7:00 a.m. to 10:00 p.m.; and

12 (B) Fifty decibels (dBC) during the hours of
13 10:00 p.m. to 7:00 a.m.; and

14 (3) In areas zoned agriculture, country, or industrial, or
15 designated a similar type of zoning, the maximum sound
16 level shall be seventy decibels (dBC) during all hours
17 of the day.

18 The maximum permissible sound level for areas that have not
19 been designated a county zoning district shall be the lowest
20 maximum permissible sound level applicable to comparable state
21 land use districts; provided that the maximum permissible sound



1 level for unzoned land within the state urban land use district
2 shall be the sound levels set forth in paragraph (2). In areas
3 with more than one county zoning designation, the lowest
4 applicable maximum permissible sound levels shall apply.

5 (b) For the purposes of this section, sound level
6 measurement shall be taken within three meters of the perimeter
7 of the exterior of the establishment employing a sound level
8 meter using the dBC weighting system. If the initial sound
9 measurement taken in response to a complaint does not establish
10 a violation, upon the complainant's request, an additional
11 measurement may be taken at the complainant's site where the
12 complainant alleges to have heard noise levels that exceed the
13 maximum permissible sound levels established by this section.

14 (c) An establishment shall be in violation of this section
15 if the sound level measured pursuant to subsection (b) is more
16 than three decibels (dBC) louder than the ambient noise level
17 for:

18 (1) Any two-minute segment within a measurement taken for
19 a duration of at least ten minutes; or



1 (2) Any time segment, within a measurement taken for more
2 than ten minutes, that is at least twenty per cent as
3 long as the total duration of the measurement.

4 (d) Violations of this section or rules adopted pursuant
5 to this section shall be enforced by summons or citation issued
6 by a law enforcement officer, who shall employ a sound level
7 meter using the dBC weighting system to investigate noise
8 levels. The summons or citation shall:

9 (1) Be printed in the form described in this subsection,
10 warning the purported violator to appear and answer to
11 the charge against the person at a certain place and
12 at a time within seven days after the issuance of the
13 summons or citation;

14 (2) Be designed to provide for all necessary information;
15 provided that the form and content of the summons or
16 citation shall be adopted or prescribed by the
17 district environmental courts;

18 (3) Be given to the purported violator and the other copy
19 or copies distributed in the manner prescribed by the
20 district environmental courts; provided that the
21 district environmental courts may prescribe



1 alternative methods of distribution of the original
2 and any other copies; and
3 (4) Be consecutively numbered and the carbon copy or
4 copies of each shall bear the same number.
5 In the event any person fails to comply with a summons or
6 citation issued to the person, the law enforcement officer who
7 issued the summons or citation shall cause a complaint to be
8 entered against the person and secure the issuance of a warrant
9 for the person's arrest. Failure to comply with a summons or
10 citation is a misdemeanor.
11 (e) As used in this section:
12 "Ambient noise" means the totality of sounds in a given
13 place and time, independent of the sound contribution of any
14 specific source of sound being measured.
15 "Establishment" means a single physical location where the
16 selling of liquor occurs and for which a license has been or is
17 proposed to be issued, renewed, or transferred pursuant to
18 chapter 281."
19 SECTION 3. Section 281-61, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) Other than for good cause, the renewal of an existing
2 license shall be granted upon the filing of an application;
3 provided that if:

4 (1) Complaints from the public;

5 (2) Reports from the commission's investigators; ~~[or]~~

6 (3) Summons or citations issued pursuant to section
7 342F- ; or

8 (4) Adjudications of the commission or the liquor control
9 adjudication board,

10 indicate that noise ~~[created by]~~ emitting from the premises,
11 adjacent outdoor areas under the control of the licensee,

12 including parking lots or lanais, or patrons entering or

13 departing from the premises disturbs residents on the street or

14 of the neighborhood in which the premises are located, ~~[or that]~~

15 and the noise [from the premises or adjacent related outdoor

16 areas such as parking lots or lanais exceed standards contained

17 in state or] exceeds the applicable maximum permissible sound

18 levels set forth in the county noise codes or commission rules,

19 or intrudes into nearby residential units, or the licensee is in

20 violation of section 342F- , the commission may deny the

21 renewal application or withhold the issuance of a renewed



1 license until corrective measures meeting the commission's
2 approval are taken."

3 SECTION 4. Section 342F-31.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[~~+~~]**\$342F-31.5[+]** **Noise measurement; rules.** (a) The
6 department shall adopt rules in accordance with chapter 91 that
7 shall use both the dBC and the dBA sound level measurement
8 systems for community noise control. The department [~~and the~~],
9 county liquor commissions, and law enforcement officers,
10 pursuant to section 342F- , may enforce nighttime noise levels
11 in any urban land use district measured from over fifty to sixty
12 decibels, measured using the dBC weighting system, in certain
13 areas they deem appropriate and not adversely affecting public
14 health and safety.

15 (b) In any urban land use district, a sound level of more
16 than [~~sixty~~] fifty decibels for bass sound (using the dBC
17 weighting system), measured at a complainant's site, shall be
18 deemed to exceed the maximum permissible sound at nighttime[~~+~~
19 ~~provided that, where the complainant's site is within or in~~
20 ~~close proximity to an area zoned mixed use or residential, the~~



1 ~~maximum permissible sound at nighttime shall be fifty decibels~~
2 ~~dBC].~~

3 (c) For purposes of this section:

4 "Nighttime" means the time between the hours of 10:00 p.m.
5 and 7:00 a.m.; and

6 "Urban land use district" means property designated as such
7 pursuant to section 205-2."

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

10 SECTION 6. This Act shall take effect on July 1, 2060.



Report Title:

Noise Control; Department of Health; County Liquor Commissions;
County Liquor Control Adjudication Boards; Maximum Permissible
Sound Level; Enforcement; Law Enforcement Officers; Liquor
License

Description:

Authorizes county liquor commissions and liquor control
adjudication boards to revoke or suspend; deny the application,
renewal, or transfer of; or withhold issuance of a liquor
license when the licensee or applicant fails to take corrective
action to address noise complaints or violations. Sets maximum
permissible noise levels in dBC measurements for noise emitted
by establishments licensed to sell liquor and clarifies that
emission of noise that exceeds the maximum permissible noise
level constitutes a noise violation. Authorizes law enforcement
officers to enforce noise violations by issuing summons or
citations. Effective 7/1/2060. (HD1)

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not legislation or evidence of legislative intent.*

