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# 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 section to part II to be appropriately  
3       designated and to read as follows:

4       "§342F-       Noise violations; maximum permissible sound  
5       level; enforcement; penalty. (a) Notwithstanding any law to  
6       the contrary, noise emitting from an establishment; adjacent  
7       outdoor areas under the control of the establishment, including  
8       parking lots or lanais; or patrons entering or departing from  
9       the establishment shall not exceed the following sound levels:

10       (1) In areas zoned as conservation, preservation,  
11       residential, open, or open space, or designated a  
12       similar type of zoning, the maximum sound level shall  
13       be:

14       (A) Fifty-five decibels (dBC) during the hours of  
15       7:00 a.m. to 10:00 p.m.; and

16       (B) Forty-five decibels (dBC) during the hours of  
17       10:00 p.m. to 7:00 a.m.;



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

4        (A) Sixty decibels (dBC) during the hours of  
5        7:00 a.m. to 10:00 p.m.; and

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

8        (3) In areas zoned agriculture, country, or industrial, or  
9        designated a similar type of zoning, the maximum sound  
10       level shall be seventy decibels (dBC) during all hours  
11       of the day.

12       The maximum permissible sound level for areas that have not  
13       been designated a county zoning district shall be the lowest  
14       maximum permissible sound level applicable to comparable state  
15       land use districts; provided that the maximum permissible sound  
16       level for unzoned land within the state urban land use district  
17       shall be the sound levels set forth in paragraph (2). In areas  
18       with more than one county zoning designation, the lowest  
19       applicable maximum permissible sound levels shall apply.

20       (b) For the purposes of this section, sound level  
21       measurement shall be taken within three meters of the perimeter



1 of the exterior of the establishment employing a sound level  
2 meter using the "C" weighting network. If the initial sound  
3 measurement taken in response to a complaint does not establish  
4 a violation, upon the complainant's request, an additional  
5 measurement may be taken at the complainant's site where the  
6 complainant alleges to have heard noise levels that exceed the  
7 maximum permissible sound levels established by this section.

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

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

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

17 (d) Violations of this section or rules adopted pursuant  
18 to this section shall be enforced by summons or citation issued  
19 by a law enforcement officer, who shall employ a sound level  
20 meter using the "C" weighting network to investigate noise  
21 levels. The summons or citation shall:



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

6       (2) Be designed to provide for all necessary information.  
7       The form and content of the summons or citation shall  
8       be adopted or prescribed by the district environmental  
9       courts;

10       (3) Be given to the purported violator and the other copy  
11       or copies distributed in the manner prescribed by the  
12       district environmental courts; provided that the  
13       district environmental courts may prescribe  
14       alternative methods of distribution of the original  
15       and any other copies; and

16       (4) Be consecutively numbered and the carbon copy or  
17       copies of each shall bear the same number.

18       In the event any person fails to comply with a summons or  
19       citation issued to the person, the law enforcement officer who  
20       issued the summons or citation shall cause a complaint to be  
21       entered against the person and secure the issuance of a warrant



1 for the person's arrest. Failure to comply with a summons or  
2 citation is a misdemeanor.

3 (e) As used in this section:

4 "Ambient noise" means the totality of sounds in a given  
5 place and time, independent of the sound contribution of any  
6 specific source of sound being measured.

7 "dBC" shall have the same meaning as defined in section  
8 342F-1.

9 "Decibel" shall have the same meaning as defined in section  
10 342F-1.

11 "Establishment" means a single physical location where the  
12 selling of liquor occurs and for which a license has been or is  
13 proposed to be issued, renewed, or transferred pursuant to  
14 chapter 281."

15 SECTION 2. Chapter 281, Hawaii Revised Statutes, is  
16 amended by adding a new section to part III to be appropriately  
17 designated and to read as follows:

18 "§281- Revocation, suspension, or denial of license.

19 Notwithstanding any law to the contrary, the commission may  
20 revoke or suspend a license, deny the application, renewal, or  
21 transfer of a license, or withhold issuance of a license, if the



1 licensee or applicant, as applicable, fails to take corrective  
2 action that, to the commission's satisfaction and approval,  
3 addresses:

4       (1) Complaints from the public;

5       (2) Reports from the commission's investigators;

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 indicating that noise emitting from an establishment, adjacent  
11 outdoor areas under the control of the establishment, including  
12 parking lots or lanais, or patrons entering or departing from  
13 the establishment disturbs residents on the street or of the  
14 neighborhood in which the establishment is located, the noise  
15 exceeds the applicable maximum permissible sound levels set  
16 forth in the county's noise codes or commission rules, or  
17 intrudes into nearby residential units, or the establishment is  
18 in violation of section 342F- ."

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 the noise ~~[from the premises or adjacent related outdoor areas~~  
16 ~~such as parking lots or lanais exceed standards contained in~~  
17 ~~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 upon its approval.



**Report Title:**

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

**Description:**

Enhances the control of low-frequency noise emitted from establishments regulated by county liquor commissions by setting a maximum permissible noise level in dBC measurements. Clarifies that emission of noise that exceeds the maximum permissible noise level constitutes a noise violation. Allows noise violations to be enforced by summons or citation issued by law enforcement officers. Allows county liquor commissions to adopt rules to issue fines for noise violation. Allows county liquor commissions to revoke or suspend a liquor license; deny the application, renewal, or transfer of a license; or withhold issuance of a license when the licensee or applicant fails to take corrective action to address noise complaints or violations. (SD2)

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