
A BILL FOR AN ACT

RELATING TO NOISE POLLUTION.

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

1 SECTION 1. The legislature finds that noise control is a
2 serious issue that impacts residents and businesses in the
3 State's urban areas. The United States Environmental Protection
4 Agency, which regulates certain noise sources, has observed that
5 millions of people nationwide are negatively affected by noise
6 and that studies show a direct link between excessive noise and
7 health issues, such as stress-related illnesses, high blood
8 pressure, speech interference, hearing loss, sleep disruption,
9 and lost productivity.

10 The legislature also finds that quality of life can be
11 enhanced through improved monitoring and enforcement of
12 applicable noise regulations; however, enforcement of noise
13 controls has been challenging for various reasons. The State's
14 noise pollution law prohibits, with certain exceptions, any
15 person from engaging in activity that produces excessive noise
16 without first securing written approval from the director of
17 health. Existing law also requires the department of health to



1 adopt rules for community noise control; however, due to lack of
2 resources, including the number of enforcement inspectors, the
3 community noise control rules adopted by the department of
4 health only apply to stationary mechanical noise sources and
5 equipment related to agricultural, construction, and industrial
6 activity. Therefore, the department's noise control enforcement
7 activities are primarily focused on noise emitted from these
8 sources.

9 The legislature finds that in 2021, the Honolulu city
10 council passed a bill to regulate amplified sound from public
11 sidewalks in the Waikiki special district that was subsequently
12 vetoed by the mayor. The legislature notes that during the city
13 council's hearing process, the Honolulu police department and
14 the department of the prosecuting attorney for the city and
15 county of Honolulu raised concerns over the bill, including the
16 lack of sound monitoring devices to enforce the measure.

17 Accordingly, the purpose of this Act is to protect the
18 health and improve the quality of life of residents who must
19 coexist closely in the State's urban areas by:

20 (1) Establishing a two-year pilot program to require the
21 department of health to:



- 1 (A) Implement excessive amplified noise control in
- 2 the Waikiki special district; and
- 3 (B) Report to the legislature on whether the pilot
- 4 program should be modified, expanded to areas
- 5 outside of the Waikiki special district,
- 6 terminated, or made permanent; and the
- 7 feasibility of statewide implementation of the
- 8 excessive amplified noise control created under
- 9 the pilot program; and
- 10 (2) Appropriating funds for the pilot program.

11 SECTION 2. (a) There is established within the department
12 of health, a two-year pilot program to be known as the Waikiki
13 excessive amplified noise control pilot program, to regulate
14 excessive amplified noise only within the Waikiki special
15 district.

16 (b) Notwithstanding any other law to the contrary and
17 except as provided in subsection (e), no person, including any
18 public body, shall, without previous written approval by the
19 director of health, engage in or cause or permit any other
20 person to engage in any activity that produces excessive
21 amplified noise during nighttime on a public sidewalk within



1 thirty feet of a hotel, single- or two-family detached dwelling,
2 or a multi-family dwelling located within an area zoned mixed-
3 use or residential.

4 (c) For the purposes of establishing a violation of
5 subsection (b), sound level measurement shall be taken by
6 employing a sound level meter using the dBC weighting system.
7 If the initial sound measurement taken does not establish a
8 violation, an additional measurement may be taken upon the
9 request of a complainant at the site where the complainant
10 alleges to have heard excessive amplified noise.

11 (d) A person shall be in violation of this section if the
12 sound level measurement of the alleged excessive amplified noise
13 taken in accordance with subsection (c) is more than three
14 decibels (dBC) louder than the ambient noise level.

15 (e) Subsection (b) shall not apply to sound emitted by:

16 (1) Any person to alert persons of an existence of a
17 public or personal emergency; or

18 (2) A public safety agency or an employee thereof in the
19 provision of firefighting, law enforcement, ambulance,
20 medical, or other emergency services.



1 (f) Any person who violates this section or any rule
2 adopted by the department of health pursuant to this section
3 shall be guilty of a petty misdemeanor, and upon conviction
4 thereof, shall be punished as follows:

5 (1) For a first conviction, by a mandatory fine of \$100;

6 (2) For a second conviction within one year of a previous
7 conviction, by a mandatory fine of \$250; and

8 (3) For a third or subsequent conviction within one year
9 of the first two or more convictions, by:

10 (A) A mandatory fine of no less than \$500 or more
11 than \$1,000;

12 (B) Imprisonment of no more than thirty days;

13 (C) Forfeiture of the sound amplifier used to emit
14 the excessive amplified noise, which shall be
15 disposed of by the State; or

16 (D) Any combination of the foregoing penalties.

17 For the purposes of this subsection, "one-year period" begins on
18 the date the enforcement officer finds the person to be in
19 violation of subsection (b) and ends on the same day and month
20 of the following calendar year.



1 (g) For the purposes of enforcing and operating the pilot
2 program, the department of health may:

3 (1) Hire additional inspectors and purchase equipment, as
4 necessary; or

5 (2) Enter into a contract with a third party, including
6 the Honolulu police department;

7 provided that existing department personnel shall be assigned to
8 fulfill administrative responsibilities of the pilot program,
9 including the preparation and submittal of reports pursuant to
10 subsection (h).

11 (h) The department of health shall submit a report of its
12 findings and recommendations pertaining to the noise control
13 pilot program to the legislature no later than twenty days prior
14 to the convening of the regular session of 2025. The report
15 shall include:

16 (1) An assessment of the effectiveness of the pilot
17 program, including quarterly records of:

18 (A) The number of complaints received by the pilot
19 program;

20 (B) The number of violations found;



- 1 (C) The amount of penalties assessed and collected;
- 2 and
- 3 (D) Any other information the department deems useful
- 4 in assessing the pilot program's effectiveness;
- 5 (2) A recommendation of whether the pilot program should
- 6 be modified, expanded to areas outside of the Waikiki
- 7 special district, terminated, or made permanent; and
- 8 the feasibility of statewide implementation of the
- 9 excessive amplified noise control regulation; and
- 10 (3) Any proposed legislation.
- 11 (i) The department of health shall adopt rules in
- 12 accordance with chapter 91, Hawaii Revised Statutes, to carry
- 13 out the purposes of this section.
- 14 (j) As used in this section:
- 15 "Ambient noise" means the totality of sounds in a given
- 16 place and time, independent of the sound contribution of any
- 17 specific source of sound being measured.
- 18 "Amplified sound" means any sound created by use of a sound
- 19 amplifier.
- 20 "Detached dwelling" means a building containing one or two
- 21 dwelling units that is surrounded entirely by yards or other



1 separation from buildings on adjacent lots. Dwelling units in a
2 two-family detached dwelling may be either on separate floors or
3 attached by a carport, garage, or other similar connection, or
4 attached solid wall without openings.

5 "Dwelling unit" means a room or rooms connected together
6 that constitute an independent housekeeping unit for a family
7 and contains a single kitchen. Two or more essentially separate
8 structures, except for a token connection, such as a covered
9 walkway or a trellis, do not constitute a single dwelling unit.
10 "Dwelling unit" does not include a unit used for time sharing or
11 a transient vacation unit.

12 "Enforcement officer" means an employee of the department
13 of health or third-party entity contracted by the department,
14 who is authorized by the director of health to enforce this
15 section and any rules adopted by the department pursuant to this
16 section.

17 "Excessive amplified noise" means any amplified sound that:
18 (1) Is emitted at a sound level that is detectable at a
19 distance of thirty feet or more from the sound
20 amplifier; or



1 (2) Is emitted continually at a sound level that exceeds
2 eighty decibels (dBC) for a combined total of one
3 minute or more in any five-minute period from a
4 distance no farther than eight feet from the sound
5 amplifier;
6 measured in accordance with the method prescribed in subsection
7 (c).

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

16 "Lodging unit" means a room or rooms connected together
17 that constitute an independent living unit for a family and does
18 not contain a kitchen. "Lodging unit" does not include a unit
19 used for time sharing or a transient vacation unit.

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



1 "Nighttime" means the time between the hours of 7:00 p.m.
2 of one day and 6:00 a.m. of the following day.

3 "Public safety agency" shall have the same meaning as
4 defined in section 138-1, Hawaii Revised Statutes.

5 "Public sidewalk" means a publicly owned or maintained
6 "sidewalk" as defined in section 291C-1, Hawaii Revised
7 Statutes.

8 "Sound amplifier" means a device used for the reproduction
9 or amplification of sound, including microphones, loudspeakers,
10 phonograph players, compact disc players, tape decks,
11 smartphones, tablets, laptop computers, and musical instruments.

12 "Waikiki special district" means the Waikiki area of Oahu,
13 the boundaries of which are delineated in the land use
14 ordinance, as amended, that establishes the "Waikiki Special
15 District".

16 SECTION 3. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so
18 much thereof as may be necessary for fiscal year 2023-2024 and
19 the same sum or so much thereof as may be necessary for fiscal
20 year 2024-2025 to establish, implement, and enforce the Waikiki
21 excessive amplified noise control pilot program.



1 The sums appropriated shall be expended by the department
2 of health for the purposes of this Act.

3 SECTION 4. If any provision of this Act, or the
4 application thereof to any person or circumstance, is held
5 invalid, the invalidity does not affect other provisions or
6 applications of the Act that can be given effect without the
7 invalid provision or application, and to this end the provisions
8 of this Act are severable.

9 SECTION 5. This Act shall take effect on June 30, 3000.

10



Report Title:

Excessive Amplified Noise Control; Public Sidewalks; Mixed-Use and Residential Zones; Penalties; Pilot Program; Waikiki Special District; Department of Health; Honolulu Police Department; Report; Appropriation

Description:

Establishes a two-year pilot program to require the department of health to implement the excessive amplified noise control regulation in the Waikiki Special District, which prohibits, with certain exceptions, the emission of excessive amplified noise during certain hours on public sidewalks near certain locations in areas zoned as mixed-use or residential without prior approval from the director of health. Establishes penalties for violations. Requires the department of health to adopt rules and report to the legislature. Appropriates funds. Effective 6/30/3000. (HD1)

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

