

ACT 158

S.B. NO. 1871-74

A Bill for an Act Relating to General Powers of Counties.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the degree of urbanization, density of population, and other conditions vary from county to county. The legislature further finds that actions which create a public nuisance in one region may not create such a nuisance in another region. The legislature

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further finds that the regulation of public nuisances is more properly a matter of county rather than state concern.

It is the purpose of this Act to so provide.

SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“Sec. 46- Regulation of certain public nuisances. Any provision of law to the contrary notwithstanding, the council of any county may adopt and provide for the enforcement of ordinances regulating or prohibiting noise, smoke, dust, vibration, or odors which constitute a public nuisance. No such ordinance shall be held invalid on the ground that it covers any subject or matter embraced within any statute or rule of the State; provided that in any case of conflict between the statute or rule and ordinance, the law which affords the most protection to the public shall apply.”

SECTION 3. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.*

SECTION 4. This Act shall take effect upon its approval.

(Approved June 6, 1974.)

*Edited accordingly.