

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

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

SECTION 1. Section 46-17, Hawaii Revised Statutes is amended to read as follows:

“Sec. 46-17 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; provided further that such ordinance shall not be effective to the extent that it is inconsistent with any permit for agricultural burning granted by the State department of health under authority of chapter 342, or to the extent that it prohibits, subjects to fine or injunction, or declares to be a public nuisance any agricultural burning which is conducted in accordance with such a permit.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 24, 1978.)

*Edited accordingly.