

ACT 206

S.B. NO. 466

A Bill for an Act Relating to Pollution.

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

SECTION 1. Chapter 342F, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§342F- Leaf blowers; restrictions. (a) In any urban land use district, as designated pursuant to section 205-2, it shall be unlawful for any person to operate a leaf blower within a residential zone or within one hundred feet of a residential zone in the State, except between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sunday or a state or federal holiday, and between the hours of 9:00 a.m. and 6:00 p.m. on Sunday or any state or federal holiday.

(b) Violators shall be fined \$50 for the first violation, \$100 for the second violation, \$200 for the third violation, and \$500 for each subsequent violation.

(c) Government entities, and agents acting on behalf of government entities, shall not be subject to this section.

(d) Any county may adopt a rule or ordinance that places stricter limitations on the use of leaf blowers than are in this section. In case of a conflict between the requirements or limitations of this section and any county rule or ordinance regarding the use of leaf blowers, the more restrictive requirements shall apply.

(e) For the purposes of this section:

“Leaf blower” means any machine used to blow leaves, dirt, or other debris off sidewalks, driveways, lawns, and other surfaces.

“State holiday” means any day established as a state holiday in section 8-1.”

SECTION 2. Chapter 342H, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§342H- Leaf blower debris. (a) It shall be unlawful for any person to use or operate a leaf blower in such a manner as to blow, dispel, or make airborne dust, leaves, grass cuttings, paper, trash, or any other type of unattached debris or material, beyond the boundaries of the parcel of property being cleaned, unless the consent of the adjoining owner or person in possession of the adjoining property is obtained.

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(b) It shall be unlawful for any person to use or operate a leaf blower in such a way as to blow leaves, dirt, and other debris onto the public rights-of-way or onto private property not owned, leased, or controlled by the leaf blower operator or the employer or contractor of the leaf blower operator and to allow the debris to remain there in excess of thirty minutes.

(c) For purposes of this section:

“Leaf blower” shall have the same meaning as defined in section 342F- .

“Parcel” means a legal lot of record. Contiguous parcels owned by the same individual or entity shall be considered one parcel for purposes of this section.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2010.

(Became law on July 6, 2010, without the governor’s signature, pursuant to Art. III, §16, State Constitution.)

Note

1. Edited pursuant to HRS §23G-16.5.