BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

SECTION 1. The legislature finds that noise pollution is a steadily increasing problem, particularly in densely populated areas of Hawaii. In dense areas with high rises, noise is trapped between buildings and reverberates to a greater degree because of the density and height of the buildings. With the COVID-19 pandemic causing more people to work from home in these highly dense areas, additional outside noise can affect their ability to do their work. In special improvement districts, like Waikiki, many of the residents are also retirees who are more likely to have their hearing affected from loud noises.

The legislature further finds that leaf blowers contribute an excessive and unusual amount of noise, which is not only severely annoying and distracting, but also has the potential to cause permanent hearing damage. The continuous use of leaf blowers at a high decibel level can be deafening to people within earshot. This is especially problematic during the
COVID-19 pandemic as more people are in their homes during the
day when leaf blower activity usually occurs.

The purpose of this Act is to restrict the use of leaf
blowers in special improvement districts within a residential
zone or near a residence to certain hours of a day, subject to
certain exceptions.

SECTION 2. Section 342F-30.8, Hawaii Revised Statutes, is
amended to read as follows:

"[+]§342F-30.8[+] 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) In special improvement districts, as designated
pursuant to section 46-80.5, it shall be unlawful for any person
to operate a leaf blower within a residential zone or within one
hundred feet of a residence except between the hours of 9:00
a.m. and 4:00 p.m. on any day except Sunday or a state or
federal holiday, and between the hours of 10:00 a.m. and 4:00 p.m. on Sunday or any state or federal holiday; provided that commercial and hotel operators shall be permitted to operate a leaf blower on their premises at least one hundred feet away from a residential zone or residence 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; provided further that any leaf blower used within the permitted times shall not emit more than sixty decibels of noise.

(c) 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.

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

(e) 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.
[+] (f) 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 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

INTRODUCED BY:

JAN 22 2021
Report Title:
Leaf Blowers; Noise; Restrictions; Special Improvement Districts

Description:
Restricts the use of leaf blowers in special improvement districts within a residential zone or near a residence to between the hours of 9:00 a.m. and 4:00 p.m. on any day except Sunday or a state or federal holiday and between the hours of 10:00 a.m. and 4:00 p.m. on Sunday or any state or federal holiday. Allows commercial and hotel operators to operate leaf blowers on their premises at least one hundred feet away from a residential zone or residence 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. Provides that leaf blowers used in special improvement districts during the permitted hours shall not emit more than sixty decibels of noise.

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