
A BILL FOR AN ACT

RELATING TO COVENANTS.

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

1 SECTION 1. Section 46-17, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "§46-17 Regulation of certain public nuisances. (a) Any
4 provision of law to the contrary notwithstanding, the council of
5 any county may adopt and provide for the enforcement of
6 ordinances regulating or prohibiting noise, smoke, dust,
7 vibration, or odors which constitute a public nuisance. No such
8 ordinance shall be held invalid on the ground that it covers any
9 subject or matter embraced within any statute or rule of the
10 State; provided that in any case of conflict between a statute
11 or rule and an ordinance, the law affording the most protection
12 to the public shall apply, with the exception that:
13 (1) An ordinance shall not be effective to the extent that
14 it is inconsistent with any permit for agricultural
15 burning granted by the department of health under
16 authority of chapter 342B, or to the extent that it
17 prohibits, subjects to fine or injunction, or declares



1 to be a public nuisance any agricultural burning
 2 conducted in accordance with such a permit; and
 3 (2) An ordinance shall not be effective to the extent that
 4 it is inconsistent with any noise rule adopted by the
 5 department of health under authority of chapter 342F.

6 (b) Any provision of law to the contrary notwithstanding,
 7 the council of any county may adopt ordinances or rules,
 8 including the adoption of penalties, to enforce covenants that
 9 run with the land that impose standards regarding use,
 10 maintenance, landscaping, and setbacks."

11 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY: Barbara Mammoto

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JAN 26 2011

Report Title:

Counties; Covenants; Public Nuisance

Description:

Authorizes the counties to enact ordinances or adopt rules to enforce covenants that run with the land that impose standards regarding use, maintenance, landscaping, and setbacks.

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