

JAN 26 2011

A BILL FOR AN ACT

RELATING TO NUISANCES.

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

1 SECTION 1. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . PROPERTY NUISANCE**

5 **§712- Property nuisance.** (a) A person commits the
6 offense of promoting a property nuisance by owning, leasing,
7 occupying, or having charge or possession of any property and
8 maintaining that property in a manner that any one or more of
9 the following conditions or activities is allowed to exist or
10 continue:

11 (1) The keeping, storage, depositing, or accumulation on
12 the property of any personal property that is within
13 the view of persons on adjacent or nearby real
14 property or the public highway when the personal
15 property constitutes visual blight, reduces the
16 aesthetic appearance of the neighborhood, is offensive
17 to the senses, or is detrimental to nearby property or



1 property values. Personal property includes but is not
2 limited to:

3 (A) Abandoned, wrecked, or dismantled automobiles or
4 unseaworthy boats or vessels;

5 (B) Automotive parts and equipment, appliances, and
6 furniture; and

7 (C) Containers, packing materials, scrap metal, wood,
8 building materials, concrete masonry units,
9 rubbish, and debris.

10 Wood and building materials being used, or to be used,
11 for a project of repair or renovation and for which an
12 active building permit is in existence may be stored
13 for as long as is necessary to complete the project
14 expeditiously. Upon expiration or cancellation of the
15 building permit, wood and building materials for the
16 project must be immediately removed;

17 (2) The keeping, storage, depositing, or accumulation of
18 dirt, sand, gravel, concrete, concrete masonry units,
19 or other similar materials that constitute visual
20 blight or reduce the aesthetic appearance of the
21 neighborhood or is offensive to the senses or is
22 detrimental to nearby property or property values;



- 1 (3) The operation of a junk yard or automobile dismantling
2 yard, except as a permitted use in an industrial zone;
- 3 (4) The permitting of standing or stagnant water to
4 accumulate, allowing vermin to live, breed, and
5 multiply;
- 6 (5) Any dangerous, unsightly, or blighted condition that
7 is detrimental to the health, safety, or welfare of
8 the public;
- 9 (6) Any condition recognized in law or in equity as
10 constituting a public nuisance;
- 11 (7) The maintenance of the exterior of any vacant or
12 unoccupied building or the interior of any building
13 that is readily visible from any public highway or
14 adjacent parcel of property in a state of
15 unsightliness so as to constitute a blighted condition
16 detrimental to the property values in the neighborhood
17 or otherwise detrimental to the public welfare;
- 18 (8) Any unimproved real property that has become a dumping
19 ground for litter, garbage, junk, debris, or discarded
20 vehicles, vehicle parts, or vehicle hulks, and which
21 real property has been subject to abatement action on
22 one or more occasions pursuant to this chapter;



1 (9) Any illegal activity occurring on the property that is
2 detrimental to the life, health, safety, and welfare
3 of the residents, neighbors, or public. For purposes
4 of this chapter, "illegal activity" is defined as any
5 violation of state or federal law, rule, or
6 regulation, or county ordinance or rule.

7 (b) Promoting a property nuisance is a misdemeanor."

8 SECTION 2. Section 712-1270, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§712-1270 Places used to commit offenses against public
11 health and morals, a nuisance. Every building, premises, or
12 place used for the purpose of violating:

13 (1) Those laws pertaining to offenses against public
14 health and morals contained in parts I, II, [~~and~~] IV,
15 and of this chapter, except offenses under part IV
16 which do not involve the manufacture or distribution
17 of drugs; or

18 (2) Section 132D-14(a)(1) or (3),
19 and every building, premises, or place in or upon which the
20 violations are held or occur in parts I, II, [~~and~~] IV, and ,
21 or section 132D-14(a)(1) or (3), is a nuisance that shall be



S.B. NO. 1149

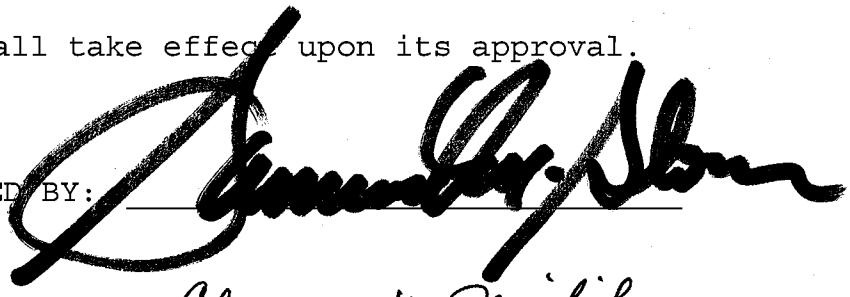
1 enjoined, abated, and prevented, regardless of whether it is a
2 public or private nuisance."

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6

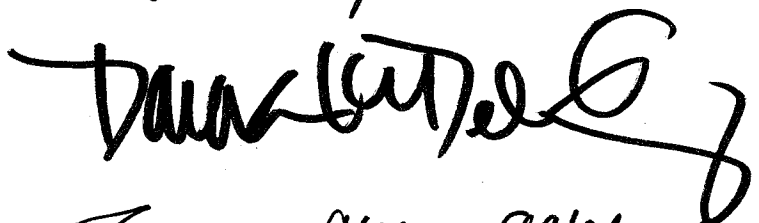
INTRODUCED BY:



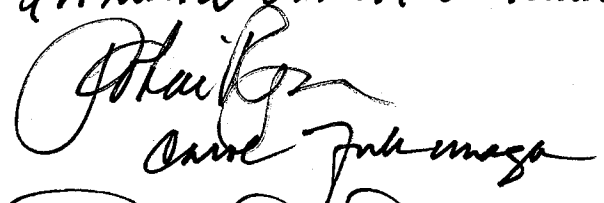
Clarence W. Fishburn



Will Eyo



Ernanno Amun Oakland


Carmel Johnson

Arnold Y. Lee

Randy H. Bal
Jim



Report Title:

Nuisance; Misdemeanor

Description:

Makes the maintenance of a property nuisance a misdemeanor.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

