
A BILL FOR AN ACT

RELATING TO NUISANCES.

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

1 SECTION 1. Section 322-1, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "§322-1 Removal, prevention. (a) The department of
4 health and its agents shall examine into all nuisances, foul or
5 noxious odors, gases or vapors, water in which mosquito larvae
6 exist, sources of filth, and all causes of sickness or disease,
7 on shore, and in any vessel, which may be known to them or
8 brought to their attention, which in their opinion are dangerous
9 or injurious to health, and into any and all conditions created
10 or existing which cause or tend to cause sickness or disease or
11 to be dangerous or injurious to health, and shall cause the same
12 to be abated, destroyed, removed, or prevented.

13 For purposes of this part, a nuisance shall include:

14 (1) Toxic materials that are used in or by-products of the
15 manufacture or conversion of methamphetamine, and
16 clandestine drug labs that manufacture
17 methamphetamine; [~~and~~]



1 (2) Odors and filth resulting from a person feeding feral
2 birds[-]; and

3 (3) Odors, filth, and the infestation of rodents or pests
4 resulting from the storage of personal property that
5 is not maintained or kept in good order.

6 (b) In exercising its authority to abate, destroy, remove,
7 or prevent a nuisance under subsection (a) (3), the department of
8 health shall only invoke its authority to abate, destroy,
9 remove, or prevent the nuisance if the person whose personal
10 property is the cause of the nuisance has:

11 (1) Been subject to administrative fines by the State or
12 county, of not less than an aggregate of \$10,000 for
13 the nuisance within a ten-year period; and

14 (2) Not substantially remediated the nuisance within six
15 months of receipt of the administrative fine last
16 imposed by the State or county."

17 SECTION 2. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

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 Statutory material to be repealed is bracketed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

22 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Nuisance Abatement; Storage of Personal Property

Description:

Designates odors, filth, and the infestation of rodents or pests resulting from the storage of personal property that is not maintained or kept in good order as a nuisance for the purpose of nuisance abatement. Authorizes imposition of abatement remedies only if violator has incurred a minimum aggregate penalty amount. Effective July 1, 2050. (HB1854 HD1)

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