

A Bill for an Act Relating to Intoxicating Liquor.

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

SECTION 1. Whereas present, pending or future sound control laws may put an obligation on owners of liquor licenses, of which they are not fully aware, the following changes shall be made to put them on notice as to the nature of those obligations and to insure greater protection of the public.

SECTION 2. Section 281-51, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 281-51 Prior inspection. No license shall be issued under this chapter unless and until the liquor commission has caused to be made a thorough inspection of the premises upon which the proposed business is to be conducted and is satisfied as to its fitness and that all other general conditions and proposed methods of operation under the license are such as are suitable for carrying on the business in a reputable way. “In a reputable way” includes among other considerations operating in such a manner that activities within the premises or in such adjacent related outdoor areas such as parking lots or lanais will not create noise in excess of standards contained in state or county noise or vibration codes which intrudes into nearby residential units.”

SECTION 3. Section 281-55, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 281-55 Reference to inspector. Upon the filing of any application the secretary of the liquor commission shall indorse thereon the date of filing thereof. If no patent disqualification of the applicant or certain valid objection to the granting of the application is apparent initially and if all requirements relative to the filing of the application appear to have been complied with, the application shall be referred to the inspector for investigation.”

SECTION 4. Section 281-56, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 281-56 Report by inspector. On every application referred to him under section 281-55 the inspector shall report in writing to the liquor commission and, if the application is for a license of any class other than class 7, class 8, or class 9, such report shall show:

- (1) A description of the premises intended to become the licensed premises, and the equipment and surrounding conditions including the relationship to surrounding residences which may share a common boundary or a common structure with the premises proposed for licensing;
- (2) If the application is made by a person who has held a prior license for the same or any other premises within two years past, a statement as to the manner in which the premises have been operated and the business conducted under the previous license;
- (3) The locality of any church, chapel, or school, if any, within a dis-

tance of five hundred feet from the nearest point of the premises for which the license is asked to the nearest point of the church, chapel or school grounds;

- (4) The number, position, and distance from the premises, in respect of which a license is applied for, of any other licensed premises of the same class in the neighborhood;
- (5) The number of licenses of the same class or kind already issued and being lawfully exercised within the county;
- (6) Whether or not in the opinion of the inspector the applicant is a fit and proper person to have a license;
- (7) Whether or not the applicant is for any reason disqualified by this chapter from obtaining or exercising a license; and whether or not he has complied with all the requirements of this chapter relative to the making and filing of his application;
- (8) Any and all other matters and things which in the judgment of the inspector pertain to or affect the matter of the application or the issuance or the exercise of the license applied for.

A copy of the report shall be furnished the applicant not less than forty-eight hours before any hearing is had upon the application."

SECTION 5. Section 281-57, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 281-57 Notice. Upon the filing of the inspector's report upon any application the liquor commission may hold a preliminary hearing and upon such preliminary hearing it may deny the application. If no preliminary hearing is had or if the application is not denied upon a preliminary hearing, the commission shall fix a day for the public hearing of the application (other than an application for an alcohol license or a license in classes 7 to 10 and shall publish notice of the hearing at least once in each of two consecutive weeks (two insertions) in some newspaper published in the English language in the county (or if there be none such then in the city and county of Honolulu) having a general circulation in the county, the date of the hearing to be not less than twenty-one days after the first publication. The notice shall require that all protests or objections against the issuance of the license applied for shall be filed with the secretary of the commission at or before the time of hearing. Before making such publication the commission shall collect from the applicant the cost of making the publication or require a deposit to cover the same.

Immediately upon the commission's fixing a day for the public hearing of the application, the applicant shall mail a notice setting forth the time and place of the hearing on the application to not less than two-thirds of the persons being the owners or lessees holding under recorded leases, of real estate situated within a distance of five hundred feet from the nearest point of the premises for which the license is asked to the nearest point of such real estate, not less than twenty-one days prior to the date set for the hearing of the application; and before the hearing the applicant shall file with the commission an affidavit as to such mailing of notice. Notice by mail may be addressed to the last known address of the person concerned or to the address

as shown in the last tax return filed by him or his agent or representative. In addition, for each condominium project within the affected area, one notice of the hearing shall be sent by mail addressed "To the Residents, Care of the Manager", followed by the name and address of the condominium involved."

SECTION 6. Section 281-61, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 281-61 Renewals.** Other than for good cause the renewal of an existing license shall be granted upon the filing of an application; provided that if complaints from the public and reports from the commission's inspectors indicate that noise from the premises or adjacent related outdoor areas such as parking lots or lanais exceed standards contained in state or county noise or vibration codes and intrudes into nearby residential units, the commission may in its discretion withhold the issuance of a renewed license until corrective measures are taken."

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 8. This Act shall take effect upon approval.

(Approved May 7, 1975.)

*Edited accordingly.