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S.B. NO. 5

A Bill for an Act Relating to Environmental Quality and Litter Control.

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

SECTION 1. Findings and purpose. The legislature finds that the visual appearance of much of our State is blighted by the presence of litter. The legislature also finds that the existing sanctions against littering are inadequate and finds that recycling of wastes back into a new material should be encouraged. The legislature further finds that when litter receptacles are available and when an enforcement program exists, the amount of litter is much reduced. The purpose of this chapter is to reduce the amount of litter in Hawaii.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read:

**“CHAPTER
LITTER CONTROL**

Sec. -1 Definitions. As used in this chapter:

- (1) “Beverage” means beer or other malt beverages, mineral waters, fruit juices, ades, and other similar noncarbonated drinks, soda water and flavored carbonated drinks, in liquid form and intended for human consumption.
- (2) “Beverage container” means the individual, separate, sealed glass, metal or plastic bottle or can, containing a beverage.
- (3) “Director” means the director of the department of health.
- (4) “Litter” means all rubbish, refuse, and waste material.
- (5) “Litter bag” means a bag, sack, or other container which is large enough to serve as a receptacle for litter.
- (6) “Litter receptacle” means a covered plastic or metal container of no less than fifteen gallons and no more than thirty-five gallons capacity, or other appropriate container, made available for the depositing of wastes.

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- (7) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.
- (8) "Recycle" means to extract from the waste collection items for which a market exists and delivering such items to a point where they are converted to a material for later manufacture or reprocessing.
- (9) "Watercraft" means any boat, ship, vessel, or other floating craft which is berthed in or sails upon the territorial waters of Hawaii.
- (10) "Water of the State" means any stream, river, ocean, canal, harbor, bay, or the like located within the territorial limits of the State.

Sec. -2 Powers of the director. (a) The director shall have the power to administer and enforce the provisions of this chapter and to propose and to adopt pursuant to chapter 91 rules necessary to carry out the provisions, purposes, and intent of this chapter, and may delegate responsibilities with the exception of rule-making to the agency he deems appropriate.

(b) The director may request all state and local governmental agencies having law enforcement powers to provide services and personnel reasonably necessary to assist in the enforcement of this chapter. Any such agency and personnel thereof so assisting the director shall be empowered to enforce this chapter and all such rules.

(c) The director may employ a person without regard to chapters 76 and 77 to serve at his pleasure as he finds necessary for the implementation of this chapter.

(d) The provisions of this chapter shall not in any way preempt or diminish the present powers and duties of state and county agencies in regard to the prevention and control of litter.

Sec. -3 Duties of the director. The director shall:

- (1) Be responsible for the study of available research in the field of litter control, prevention, removal, disposal, and recycling; the study of methods for the implementation of such research; and development of public educational programs.
- (2) Serve as a coordinator between the State, state agencies and various organizations seeking to aid in the anti-litter effort.
- (3) Cooperate with local governments to accomplish the coordination of anti-litter efforts.
- (4) Encourage voluntary local anti-litter campaigns.
- (5) Apply for funds or other resources available from private or public sources.
- (6) Conduct educational programs intended to instill the anti-litter ethic.
- (7) Design a state anti-litter symbol.
- (8) Post anti-litter signs in public places where required.
- (9) Design and make available a litter bag bearing the state anti-litter symbol and a statement of the penalties prescribed herein for littering.

Sec. -4 Prohibition. No person shall discard or otherwise dispose of litter in a public place, or in the waters of the State except:

- (1) In a place which is designated by the department or the county for the disposal of garbage and refuse.

(2) Into a litter receptacle or litter bag.

Sec. -5 Responsibilities of owners and lessees of real property. It shall be the responsibility of any owner or lessee of real property in the state land use urban districts zoned for urban use by the county to maintain sidewalks, alleys, curbs, roadway shoulder areas, fence lines, and hedges immediately adjoining such real property in a litter-free condition except that in no way will the statute be used to release the state and county agencies from continuing their present level of public property maintenance.

Sec. -6 Litter containers. Litter receptacles shall be suitably located along the public highways of the State, public places, beaches and bathing areas. The number of such receptacles and the duty to provide receptacles and to dispose of litter from the receptacles shall be established by the rules adopted pursuant to section -2(a).

Sec. -7 Beverage container requirements. (a) No person shall sell or offer for sale in this State any beverage in metal containers so designed and constructed that a part of the container is permanently detached in opening the container.

(b) No person shall sell or offer for sale in this State any beverage in a plastic container.

(c) Failure to comply with the provisions of this section shall constitute a violation and shall carry a fine of \$250. Each day of such failure shall constitute a separate violation.

Sec. -8 Penalties. Except as otherwise provided in this chapter, any person violating any provision of this chapter or any rule promulgated hereunder shall be guilty of a violation, and shall be fined no more than \$10, or be ordered to pick up and remove litter from a public place under the supervision of the director or as the court shall otherwise provide for a period not exceeding eight hours, or both, for each offense.

Sec. -9 Enforcement powers. All law enforcement officers and personnel authorized to carry out the provisions of this chapter may issue citations for violations of this chapter or any of the rules adopted hereunder.

Sec. -10 Injunction to restrain violation. In addition to the remedies provided in this chapter, the director may apply to the circuit court for a temporary or permanent injunction restraining any person from violating any provision of this chapter.

Sec. -11 Transfer of authority and responsibility. The governor may, at his discretion, transfer the authority and responsibility for implementing the provisions of this chapter to any appropriate state agency or office."

SECTION 3. Appropriations. There is appropriated out of the general revenues of the State of Hawaii, the sum of \$300,000, or so much thereof as may be necessary, for implementing the provisions of this Act. All unencumbered funds shall lapse on June 30, 1979.

SECTION 4. This Act shall take effect upon its approval, except for sections -6, and -7, in section 2, which shall take effect January 1, 1979, with

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the provision that the director may extend the deadline if necessary for a period not to exceed six months.

(Approved June 16, 1977.)