

Article 31. Noise Control

Sections:

- 41-31.1 Prohibited noise.
- 41-31.2 Enforcement.
- 41-31.3 Violation--Penalty.
- 41-31.4 Permits.
- 41-31.5 Exemptions.

Sec. 41-31.1 Prohibited noise.

- (a) It is unlawful for any person or persons to play, use, operate or permit to be played, used or operated, any radio, tape recorder, cassette player or other machine or device for reproducing sound, if it is located in or on any of the following:
- (1) Any public property, including any public street, highway, building, sidewalk, park or thoroughfare; or
 - (2) Any motor vehicle on a public street, highway or public space; and if the sound generated is audible at a distance of 30 feet from the device producing the sound.
- (b) Possession by a person or persons of any of the machines or devices enumerated in subsection (a) shall be prima facie evidence that that person operates, or those persons operate, the machine or device.

(Added by Ord. 90-26)

Sec. 41-31.2 Enforcement.

- (a) Powers of Arrest or Citation. Any authorized police officer shall issue a citation for any violation under this article, except they may arrest for instances when:
- (1) The alleged violator refuses to provide the officer with such person's name and address and any proof thereof as may be reasonably available to the alleged violator.
 - (2) When the alleged violator refuses to cease such person's illegal activity after being issued a citation.
- (b) Citation.
- (1) There shall be provided for use by authorized police officers, a form of citation for use in citing violators of this article which does not mandate physical arrest of such violators. The form and content of such citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.
 - (2) In every case when a citation is issued, a copy of the same shall be given to the violator.
 - (3) Every citation shall be consecutively numbered and each carbon copy shall bear the name of its respective origin

al. (Added by Ord.
90-26)

Sec. 41-31.3 Violation--Penalty.

Any person convicted of a violation of the provisions of this article shall be punished by a fine of \$100.00 for the first offense, \$500.00 for the second offense within six months of the first offense, and \$1,000.00, or forfeiture of the sound system or components of the sound

system up to \$1,000.00 in value, or a combination of forfeiture and fine to total \$1,000.00 for conviction of the third offense within one year of the first offense. (Added by Ord. 90-26)

Sec. 41-31.4 Permits.

- (a) A permit for a temporary exemption from the provisions of this article may be issued by the director of finance to commercial, religious, political, civic, charitable, athletic and other organizations, or individuals, for activities such as carnivals, parades, fund raisers, fairs, bazaars, public speeches and meetings.
- (b) The director of finance shall prescribe a form of application for such a permit which shall be completed by the applicant and which, when completed, shall state the date, time of day, duration and nature of the proposed activity, the reason for the proposed activity, the name of the person who shall be in charge of the proposed activity, and such other pertinent information as the director shall desire.
- (c) In determining whether to grant or deny an application for a permit hereunder, the director shall consider the information provided in the application together with the impact of the proposed noise on the health, safety and welfare of the residents of and visitors to the surrounding area. If more information is needed in order for the director to make a determination on the application, the director may request further information from the applicant by means of a supplemental application.
- (d) The applicant shall submit the completed form, accompanied by a fee of five dollars, to the director not later than five days prior to the proposed activity; thereafter, the director shall notify the applicant of the decision to grant or deny the permit within three days of the submission of the completed application and fee and any required supplemental application.
- (e) The permit shall state the date, place, time, duration and nature of the proposed activity, shall be in the possession of the person in charge of the activity, and shall be produced for inspection upon the request of any law enforcement officer.
- (f) The director may issue a permit subject to conditions which shall be stated upon the permit, including limitations upon the sound level, duration, or time of day of the activity, or the requirement that breaks be taken in the activity.
- (g) The director may adopt rules not inconsistent herewith for the implementation of the permit system established in this section. Such rules may include provisions for waiver of the application fee in appropriate situations or for the granting of a permit when an application is received less than five days prior to the proposed activity.

(Added by Ord. 90-26)

Sec. 41-31.5 Exemptions.

The following shall be exempt from the prohibitions set forth in this article:

- (a) Activities of the city and county, State of Hawaii or the United States; and
- (b) Activities of private persons or entities acting within the permitted uses of a permit issued by the city and county, State of Hawaii or the

United States. (Added by Ord. 90-26)