



---

## RESOLUTION

---

RELATING TO THE INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE OF A PROPOSAL THAT WOULD MANDATE THE STATE DEPARTMENT OF HEALTH TO ADOPT AND IMPLEMENT ADMINISTRATIVE RULES TO ENFORCE RESIDENTIAL AND COMMERCIAL NOISE STANDARDS.

WHEREAS, the Director of the State Department of Health ("DOH") administers Chapter 342F (Noise Pollution) of the Hawaii Revised Statutes ("HRS"); and

WHEREAS, HRS Section 342F-1 defines "pollution," for purposes of HRS Chapter 342F, as "excessive noise; and

WHEREAS, HRS Section 342F-1 further defines the term "excessive noise" as meaning:

[t]he presence of sound as measured by standard testing devices as established by the noise rules adopted by the department [of health] of a volume or in quantities and for durations which endangers human health, welfare or safety, animal life, or property or which unreasonably interferes with the comfortable enjoyment of life and property in the State or in such areas of the State as are affected thereby.

and

WHEREAS, in 1996, the DOH adopted Hawaii Administrative Rules, Title 11, Chapter 46, titled "Community Noise Control," which states that the purpose of the chapter is to:

[d]efine the maximum permissible sound levels, and to provide for the prevention, control, and abatement of noise pollution in the State from the following excessive noise sources: stationary noise sources; and equipment related to agricultural, construction, and industrial activities. It is also the purpose of this chapter to establish noise quality standards to protect public health and welfare, and to prevent the significant degradation of the environment and quality of life.

and



---

## RESOLUTION

---

WHEREAS, the DOH has not adopted any current administrative rules to regulate residential and commercial noise in the State, except for noise from stationary sources and equipment; and

WHEREAS, the Council is often asked to address noise complaints in the community through legislation on the county level, but none of the county agencies or departments are sufficiently equipped or appropriately trained to respond to community noise control complaints on a local level; and

WHEREAS, the DOH has the authority, skill and equipment to prevent, control, and abate noise complaints in the State; and

WHEREAS, approval of all counties is required to include a proposal in the 2017 Hawaii State Association of Counties (HSAC) legislative package; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it approves, for inclusion in the 2017 HSAC legislative package, a proposal, attached as Exhibit A, that would, if enacted, mandate the Department of Health to adopt and implement administrative rules to enforce residential and commercial noise standards; and



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 16-237

**RESOLUTION**

---

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the President of the Hawaii State Association of Counties.

INTRODUCED BY:

  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE OF INTRODUCTION:

**AUG 3 1 2016**

\_\_\_\_\_  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

## **EXHIBIT A**

\_\_\_\_.B. NO.\_\_\_\_

---

---

## A BILL FOR AN ACT

1 RELATING TO NOISE CONTROL.

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

3 SECTION 1. Section 342F-31, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "342F-31 Rules; specific. (a) The director may establish by  
6 rule:

7 (1) The control of vehicular noise; and

8 (2) Other specific areas for control of excessive noise,  
9 thereby allowing for varying conditions.

10 (b) The director shall establish by rule the control of  
11 residential and commercial noise."

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon approval.

14

15

INTRODUCED BY: \_\_\_\_\_

16

## JUSTIFICATION SHEET

PROPOSER: Hawaii State Association of Counties

TITLE: A Bill for an Act Relating to Noise Control

PURPOSE: The proposed bill will require the Director of the Department of Health to adopt administrative rules to enforce residential and commercial noise standards.

MEANS: Amends Section 342F-31 of the Hawaii Revised Statutes ("HRS").

JUSTIFICATION: This proposed bill is necessary because the Department of Health has the power and authority under HRS Chapter 342F, to adopt rules to prevent, control, and abate noise complaints in the State, but has failed to do so. Residential and commercial noise complaints have been increasing and the Department of Health is unable to address those complaints since there are no administrative rules in place to address them.

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**RESOLUTION 16-237**

Introduced: 08/31/16 By: TREVOR OZAWA

Committee: COUNCIL

Title: RESOLUTION RELATING TO THE INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE OF A PROPOSAL THAT WOULD MANDATE THE STATE DEPARTMENT OF HEALTH TO ADOPT AND IMPLEMENT ADMINISTRATIVE RULES TO ENFORCE RESIDENTIAL AND COMMERCIAL NOISE STANDARDS.

Voting Legend: \* = Aye w/Reservations

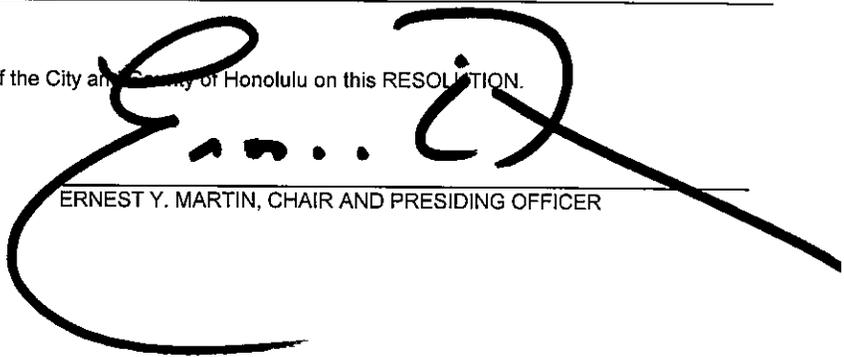
---

09/07/16 COUNCIL RESOLUTION 16-237 WAS ADOPTED.  
9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN,  
MENOR, OZAWA, PINE.

---

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

  
\_\_\_\_\_  
GLEN I. TAKAHASHI, CITY CLERK

  
\_\_\_\_\_  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER