

Chapter 14

GENERAL WELFARE

Article 1. Alcoholic Beverages.

Section 14-1.	Intoxicating liquors prohibited in certain public places.
Section 14-2.	Areas requiring permits for intoxicating liquors between the hours of 10:00 a.m. and 10:00 p.m.
Section 14-2.1.	Intoxicating liquors allowed between the hours of 6:00 p.m. and 10:00 p.m.
Section 14-2.2.	Intoxicating liquors allowed between the hours of 10:00 a.m. and 10:00 p.m.
Section 14-3.	Permit application.
Section 14-4.	Permit conditions.
Section 14-5.	Interpretation of article.
Section 14-6.	Penalty.

Article 2. Firearms and Explosives.

Section 14-7.	Definitions.
Section 14-8.	Possession and use of obnoxious substance prohibited.
Section 14-9.	Exceptions.
Section 14-10.	Permit required for agency.
Section 14-11.	Investigation of agency; issuance of permit.
Section 14-12.	Conditions; storage and transportation.
Section 14-13.	Vendor's license required; fee.
Section 14-14.	Vendor's records; deliveries.
Section 14-15.	Renewal of licenses and permits.
Section 14-16.	Penalty.

Article 3. Noise Control.

Section 14-17.	Definition.
Section 14-18.	Use of sound reproducing devices in public areas.
Section 14-19.	Enforcement.
Section 14-19.1.	Permits.
Section 14-19.2.	Exemptions.
Section 14-19.3.	Penalty.

Article 4. Prohibition of Smoking in Certain Places.

Section 14-20.	Definitions.
Section 14-21.	Prohibition of smoking in certain places.
Section 14-22.	Exceptions.
Section 14-23.	Posting of signs.
Section 14-24.	Violations and penalties.
Section 14-24.1.	Enforcement and administration.
Section 14-24.2.	Fire code.

- (b) Any offense occurring after the first year of the first offense, and each successive year thereafter, shall be subject to the provisions of subsection (a) as though it were the first instance of the offense.
(1990, Ord. No. 90-65, sec. 2.)

Article 4. Prohibition of Smoking in Certain Places.

Section 14-20. Definitions.

- (a) As used in this article, unless the context requires otherwise:
- (1) “Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets. “Incidental” means that for the prior calendar year, gross sales of food are less than one-third of gross sales of alcoholic beverages. A “bar” is authorized under a license issued by the department of liquor control.
 - (2) “Bowling alley” means a building where people go to bowl.
 - (3) “Building” means any area enclosed by a roof and at least three walls.
 - (4) “Business” means a sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.
 - (5) “Cigarette” means any roll for smoking made wholly or in part of tobacco, irrespective of size and shape and whether or not the tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.
 - (6) “Commercial building” means a building occupied by two or more commercial tenants.
 - (7) “Enclosed or partially enclosed area(s)” means area(s) closed in by a roof or overhang and at least two walls.
 - (8) “Hotel” means a transient vacation rental, other than a bed and breakfast home containing lodging or dwelling units.
 - (9) “Multifamily dwelling” means a building containing more than two dwelling units.
 - (10) “Nightclub” means a bar in which live entertainment is provided and in which facilities for dancing by patrons either by live entertainment or recorded music are provided.
 - (11) “Open to the public” means areas within any building available for use by or accessible to the general public during the normal course of business conducted therein by either private or public entities.
 - (12) “Restaurant” means any retail eating establishment where food is served or provided for on-site consumption by seated patrons that is authorized by the State department of health to operate as a food establishment, including any private food service establishment or club in which only members or their guests are permitted, but excluding a “bar.” If a restaurant includes an area devoted to the serving of alcoholic beverages, that area shall be deemed part of the “restaurant,” not a separate “bar,” for this article. An establishment that is a “restaurant” shall have that status for all hours of operation.
 - (13) “Smoke” or “smoking” means inhaling or exhaling the fumes of tobacco or any other plant material, or burning or carrying any lighted smoking equipment for tobacco or any other plant material; the personal habit commonly known as smoking, including smoking cigarettes, cigars, or pipes.
 - (14) “Tobacco product” means tobacco in any form including cigarettes.
- (1977, Ord. No. 279, sec. 2; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. 03-112, sec. 2; Am. 2007, Ord. No. 07-4, sec. 1.)

- (13) Private residences, during hours of operation, when used as a licensed child care, adult day care or health care facility, except in residences where the care facility is physically detached from the residence or is separated from the owner's area.
 - (14) Smoking is prohibited, pursuant to HRS 328J-6, within a presumptively reasonable minimum distance of twenty feet from any entrance to, exit from, or any fresh air intake of any enclosed area where smoking is prohibited to insure that tobacco smoke does not enter the enclosed area through entrances, windows, ventilation systems, or other means.
 - (15) Areas within private residences, during hours of operation, that are used for the care of patients or clients in licensed residential care homes, except in residences where the care facility is physically detached from the residence or is completely separated by a solid wall with no other openings except closable doors or windows, which shall remain closed during hours of operation from the owner's area where clients or patients are not allowed.
- (b) Except as otherwise provided in this article, **smoking of cigarettes or tobacco products, or use of any tobacco products shall be prohibited at all County parks and recreational facilities listed in section 15-68.1.**
- (1977, Ord. No. 279, sec. 2; Am. 1977, Ord. No. 302, sec. 1; Am. 1982, Ord. No. 812, sec. 1; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2; Am. 2007, Ord. No. 07-4, sec. 2; Am. 2008, Ord. No. 08-56, sec. 1; Am. 2010, Ord. No. 10-33, sec. 1.)

Section 14-22. Exceptions.

- (a) Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt:
 - (1) Private residences, except as prohibited in sections 14-21(a)(12) and 14-21(a)(14).
 - (2) Individual hotel and motel rooms that are rented to guests and are designated as smoking rooms.
 - (3) Bars.
- (1977, Ord. No. 279, sec. 2; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2.)

Section 14-23. Posting of signs.

- (a) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this article, by the owner, operator, manager, or other person having control of such place.
 - (b) Alternate means of notification may be employed provided the effect thereof is equivalent to the notice given by signs described in subsection (a).
 - (c) Every public place and place of employment where smoking is prohibited by this article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
 - (d) Any person violating any of the provisions of this section shall be issued a notice of violation and shall comply with the provisions of this section within ten days. Thereafter, the violation shall carry a fine as provided in section 14-24(b) and/or 14-24(c). Each violation cited shall constitute a separate offense.
- (1977, Ord. No. 279, sec. 2; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2.)

Section 14-24. Violations and penalties.

- (a) It is unlawful for any person to smoke in a place within the County where smoking is prohibited.
- (b) **Any person violating any of the provisions of subsection 14 21(a) shall be fined not less than \$25 and not more than \$50. Any person violating subsection 14-21(b) shall be fined \$100 for each separate offense.**
- (c) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this article shall be guilty of an infraction, punishable by:
 - (1) A fine not exceeding \$100 for a first violation;
 - (2) A fine not exceeding \$200 for a second violation within one year of the date of the first violation; and
 - (3) A fine not exceeding \$500 for each additional violation within one year of the date of the preceding violation.

(1977, Ord. No. 279, sec. 2; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2; Am. 2007, Ord. No. 07-4, sec 3.)