

Chapter 40

PROHIBITED ACTIVITIES IN THE CITY

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Article 1. Use of Intoxicating Liquors in Certain Public Places

Sections:

- 40-1.1 Declaration of legislative intent--Definitions.
- 40-1.2 Prohibition in public areas--Exceptions.
- 40-1.3 Criminal Penalties--Enforcement.

Sec. 40-1.1 Declaration of legislative intent--Definitions.

- (a) It is declared to be the legislative intent of the council to prohibit the open and unrestricted use or consumption of intoxicating liquors on or within certain municipally owned or controlled public areas and buildings and on streets and sidewalks open to the public.
- (b) For purposes of this article:
 - (1) "Intoxicating liquor" shall mean the same as in HRS Section 281-1;
 - (2) "Sidewalk" shall mean the same as in HRS Section 291C-1; and
 - (3) "Street" shall mean the same as "street or highway" in Section 15-2.23.

(Sec. 13-4.1, R.O. 1978 (1983 Ed.); Am. Ord. 03-31)

Sec. 40-1.2 Prohibition in public areas--Exceptions.

- (a) No person shall possess, other than in a container in the manufacturer's sealed condition, intoxicating liquor on any street or sidewalk, or in any public park, public playground, public school ground, public off-street parking area or any building located thereon.
- (b) The prohibitions contained in subsection (a) of this section shall not apply to:
 - (1) Intoxicating liquor procured from a vendor dispensing intoxicating liquor pursuant to a permit or license issued by the city when the intoxicating liquor is possessed or consumed in a manner and in a place consistent with the terms and conditions of such permit or license;
 - (2) The consumption or possession of an intoxicating liquor in a motor vehicle upon any public street, road, or highway; or
 - (3) The possession of a container of wine authorized to be removed from liquor-licensed premises pursuant to

Sections:

40-17.1 Definitions.

40-17.2 Prohibition on manufacture, sale, or supply of unofficial age identification card without required disclaimer.

40-17.3 Prohibition on use of unofficial age identification card with false birth date.

Sec. 40-17.1 Definitions.

For the purpose of this article:

"Government agency" means an agency of the United States government, an agency of any state government of the United States, or an agency of any political subdivision of a state. "Government agency" also means an agency of any government of a country besides the United States.

"Government document" means a document issued by a government agency.

"Supply," with respect to an unofficial age identification card, means to provide or furnish to a person by other than a sales transaction.

"Unofficial age identification card" means a card which:

- (1) Is manufactured by a private person without the express, specific authorization of a government agency;
- (2) Is rectangular and not more than eight inches in length and not more than five inches in width; and
- (3) Is imprinted, inscribed, or stamped on at least one side with at least the following information:
 - (A) A picture of an individual;
 - (B) A personal name positioned or described in a manner indicating or resulting in a reasonable assumption that it is the personal name of the pictured individual; and
 - (C) A date represented as a "birth date" and positioned or described in a manner indicating or resulting in a reasonable assumption that the date is the birth date of the pictured individual. A date shall be deemed represented as a "birth date" if designated or accompanied by the words "birth date" or "date of birth," the initials "DOB" or "BD," or other similar words or initials in the English or another language.

(Added by Ord. 99-66)

Sec. 40-17.2 Prohibition on manufacture, sale, or supply of unofficial age identification card without required disclaimer.

- (a) Except as provided in this section, a private person shall not manufacture, sell, supply, or attempt to sell or supply an unofficial age identification card unless the following words are imprinted, inscribed, or stamped across the top of each side of the card in the manner required by this subsection: "SOUVENIR ONLY." The words shall be in red capital letters at least 1/4 inch high and printed prominently, legibly and conspicuously in permanent ink. The phrase "SOUVENIR ONLY" shall be at least two inches wide or, if the card is less than two inches wide, shall be at least 80 percent of the width of the card.
- (b) Subsection (a) shall not apply to a private person who manufactures, sells, supplies, or attempts to sell or supply the following:
 - (1) A "credit card" as defined in HRS Section 708-800;
 - (2) An "employee identification card," meaning a card given to an individual by a private employer for the purpose of identifying the individual as an employee of the employer;
 - (3) A "school identification card," meaning a card given to an individual by a private academic, trade, vocational, or technical school, college, or university for the purpose of identifying the individual as a student of the school, college, or university; or
 - (4) A card which does not meet all criteria of the definition of "unofficial age identification card" under Section 40-17.1. A card excepted by this subdivision includes a card which is manufactured, sold, or supplied by a private person with the express, specific authorization of a government agency, a card which does not comply with the dimensional requirements of subdivision (2) of the definition, or a card which does not include on at least one side all of the information specified under subdivision (3) of the definition.A card described under this subsection need not include the words required by subsection (a).
- (c) A person who manufactures, sells, supplies, or attempts to sell or supply an unofficial age identification card in violation of this section shall be subject for each violation to a maximum \$2,000.00 fine, maximum one-year imprisonment, or both. Each card manufactured, sold, supplied, or attempted to be sold or supplied in violation of the section shall be deemed a separate violation.

(Added by Ord. 99-66)

Sec. 40-17.3 Prohibition on use of unofficial age identification card with false birth date.

- (a) A person shall not use or attempt to use an unofficial age identification card with a false birth date as proof of being the requisite age to:
 - (1) Enter a liquor-serving or other establishment restricted to patrons of a minimum age; or

- (2) Purchase liquor or another product purchasable only by persons of a minimum age.
An "unofficial age identification card with a false birth date" means an unofficial age identification card, the birth date on which is not that of the person who uses or attempts to use the card.
The prohibition of this subsection applies even if the unofficial age identification card includes the disclaimer required under Section 40-17.2.
- (b) Subsection (a) shall not apply when the use of a particular unofficial age identification card with a false birth date also constitutes a violation of a state law prohibiting the use of a fraudulent government document. By this subsection, the council intends to avoid a conflict with the state law.
- (c) A person who violates this section shall be subject for each violation to a maximum \$2,000.00 fine; provided that, if the person is subject to the jurisdiction of the family court pursuant to HRS Section 571-11(1), the punishment shall be established by that court.
- (Added by Ord. 99-66)

Article 18. Bidi Cigarette Prohibitions

Sections:

- 40-18.1 Definitions.**
- 40-18.2 Prohibition.**
- 40-18.3 Violation--Penalties.**

Sec. 40-18.1 Definitions.

"Bidi cigarette" means a product that contains tobacco that is wrapped in temburni or tendu leaf. (Added by Ord. 00-23)

Sec. 40-18.2 Prohibition.

No person shall sell, give or barter away, or in any way furnish to any other person a bidi cigarette. (Added by Ord. 00-23)

Sec. 40-18.3 Violation--Penalties.

Any person who violates Section 40-18.2 shall be fined not more than \$500.00 for the first offense. Any subsequent offenses shall subject the person to a fine of not less than \$500.00 nor more than \$1,000.00.

A police officer may arrest an alleged violator of this article or may issue a citation in lieu of arrest as provided in HRS Section 803-6.

(Added by Ord. 00-23)

Article 19. Advertisement of Intoxicating Liquor and Liquor Products

Sections:

- 40-19.1 Definitions.**
- 40-19.2 Prohibition.**
- 40-19.3 Exceptions.**
- 40-19.4 Citation--Penalties.**

Sec. 40-19.1 Definitions.

As used in this article:

"Advertisement" means any poster, banner, sticker, emblem, placard, graphic illustration or sign, including any neon, electronically charged or portable freestanding sign, used to publicize any intoxicating liquor or liquor product to the general public or promote the sale of any intoxicating liquor or liquor product to the general public.

"Business" means any person or entity engaged in a retail operation that offers liquor or any liquor product for sale to any member of the general public for consumption or use.

"Enforcement officer" means any officer of the Honolulu police department or deputized by the Honolulu police department to enforce this article.

"Intoxicating liquor" means the same as "liquor."

"Liquor" means the same as defined in HRS Section 281-1, but does not include those articles excepted under Section 281-2, HRS.