

Cigarettes As Litter

(California, Florida, Hawaii, Massachusetts, Minnesota, South Carolina)

July 21, 1998

2077437840

Table of Contents

1	Executive Summary
2	California
3	Florida
4	Hawaii
5	Massachusetts
6	Minnesota
7	South Carolina
8	
9	
10	
11	
12	
13	
14	
15	

2077437841

2077437842

Executive Summary

With over 410 billion filter cigarettes being consumed per year, and each filter having an afterlife of 5 to 7 years, tossed cigarette butts rank number one as Americas biggest litter problem¹. State laws include a variety of litter and dumping ordinances, a search of online resources, including news clippings, and local publications revealed that the six states: California, Florida, Hawaii, Massachusetts, Minnesota and South Carolina have all attempted to implement legislation to specifically designates cigarettes as litter. California and South Carolina have been successful in including cigarettes in the definition of litter in state law. Florida and Hawaii have been successful in including cigarettes in the definition of litter at the city and county level.

Commentary: The trend within the states seems to be focused on local community action at the city and county level. While these local initiatives do not carry the full force of a state law, research indicates they do serve to unite communities behind the litter free goal.

Overview of State Cigarette Litter Activity

State	Current Law	State Legislature	City and County
California	Fine of up to \$1,000 for the act of throwing a cigarette butt on the street ² .	None found.	1996 Anaheim city library board attempted to ban smoking outside of libraries because of litter. The proposal was voted down ³ .
Florida	No Present Restrictions	None found.	1997 Naples tried to ban outdoor smoking because of litter defeated by city council ⁴ . Orange County banned smoking at many of its public beaches, trails and ballparks 1) to protect visitors from secondhand smoke and 2) fewer cigarette butts on the ground ⁵
Hawaii	No Present Restrictions	None found	Honolulu's banned all smoking at Hanauma Bay because of litter ⁶ . In 1995 Waikiki became the states first non-smoking beach ⁷ . Chapter 29 of the 1990 Revised Ordinances of the City and County of Honolulu define "rubbish" to include cigarettes. The penalty for littering (rubbish is included in the definition of litter) is a fine of not more than \$500 for each offense, or ordered to pick up and remove litter from a public place ⁸ .
Massachusetts	No Present Restrictions	House Bill 4185-Legislation to increase the excise on the sale of non-biodegradable cigarettes. Died in committee ⁹ .	Town of Sharon passed an ordinance banning smoking at the town beach, as well as in all town playgrounds because of litter ¹⁰ .

¹ Big Solution to Litter Problem: Portable Ashtray Gives Smokers Alternative to Flicking Their Butts, biz yahoo.com 07-9-1998

² South Bay News. <http://web.syr.edu/~jptomar/surfrider/News/butts.html>

³ Four Beaches Ban Puffing New Beachhead in War on Smoking? <http://ash.org/pr/beach/htm>

⁴ Florida: Giving A Council Member His Due. <http://www.forces-cdn.com/cmmember.htm>

⁵ Kevin Spear, Smoking In County Parks To Be Against The Rules, The Sentinel, 06-27-1997

⁶ Four Beaches Ban Puffing New Beachhead in War on Smoking? <http://ash.org/pr/beach/htm>

⁷ No Smoking On Hanauma Bay, The Arizona Republic, 01-08-1995.

⁸ Revised Ordinances of The City and County of Honolulu 1990, www2.co.honolulu.hi.us/refs/roh/29.97b

⁹ Massachusetts Legislative Tracking System. <http://www.magnet.state.ma.us/scripts/legis/tsh.idq?HouseNumber=4185>

2077437843

Minnesota	No Present Restrictions	HF 3693-Tobacco tax increased and hospital and provider tax reduced tobacco advertisement restricted smoking in workplaces and bars, prohibited cigarette littering, prohibited and civil and criminal penalties imposed. Last legislative action 2/23/98 re-referred to committee on Taxes ¹¹ .	None Found
South Carolina	1994 amendment to the South Carolina Code of Laws provides that the definition of litter include cigarettes and cigarette filters ¹² .	None found	None Found

¹⁰ Four Beaches Ban Puffing New Beachhead in War on Smoking? [Http://ash.org/pr/beach/.htm](http://ash.org/pr/beach/.htm)

¹¹ Minnesota House of Representatives. [Http://www.revisor.leg.state.mn.us/cgi-bin/bldbill.pl?bill=H3693.0&session=1s80](http://www.revisor.leg.state.mn.us/cgi-bin/bldbill.pl?bill=H3693.0&session=1s80)

¹² The South Carolina General Assembly. [Http://www.lpitre.state.sc.us/bil93-94/532.htm](http://www.lpitre.state.sc.us/bil93-94/532.htm)

2077437844

2

2077437845

California

Laws on The Books

California recognizes cigarettes as litter in its general laws against litter and in its vehicle code.

California Penal Code Definition of Litter (Section 374.(a) and (b)): the willful or negligent throwing, dropping, placing, depositing, or sweeping, or causing any such acts, of any waste matter on land or water in other than appropriate storage containers or areas designated for such purposes. Waste matter means discarded, used, or leftover substances including, but not limited to, a lighted or nonlighted cigarette, cigar, match, or any flaming or glowing material, or any garbage, trash, refuse, paper, container, packaging or construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard. Any person found guilty of littering is punished by a mandatory fine of not less than \$100 nor more than \$1,000 upon first conviction, by mandatory fine of not less than \$500 nor more than \$1,000 upon the second conviction, and by a mandatory fine of not less than \$750 nor more than \$1,000 upon third and subsequent convictions. The court may impose an additional fine of litter collection¹.

California Vehicle Code: it is against the law for any person (pedestrian included) to throw or discharge on the street or highway or adjoining area, public or private, any lighted or extinguished cigarette, cigar, match or any flaming glowing substance. Creating a fire hazard by discarding flammable derbies is considered a moving violation and will appear on the individuals driving record. Fines and penalties are the same as general littering law².

State Legislative Activity

No pending legislative proposals could be identified in California.

Local Legislative Initiatives

Anaheim, 1996: The city's library board made a proposal to ban smoking outside city libraries because of litter and exposure to secondhand smoke. The city council rejected the proposal stating such a ban was too restrictive and had the potential to violate personal freedom. The city council resolved that the problem could be corrected by library staff posting signs requesting that people not smoke in front of the

¹ California Penal Code Section 369a-402c, www.leginfo.ca.gov/cgi-bin

² David Haldane, Street Smart; CHIP Gets Fired up On Seeing Burning Cigarettes Tossed: orange County Edition, Los Angeles Times, 11-04-1996, pp B-1.

library. If the problem continued the matter could be brought back to the council for further consideration³.

Key Groups, Programs and Projects

Center For Marine Conservation (CMC), BeachSweep: The Center For Marine Conservation is the leading non-profit group in the United States dedicated to conserving marine species and their habitats. California maintains two local Center For Marine Conservation Offices, The Pacific Regional Office in San Francisco which works on marine wildlife and fisheries and marine ecosystems campaigns in the Pacific Northwest including Hawaii and Mexico and a Field Office in Monterey⁴. According to the 1996 annual beach cleanup sponsored by CMC, the 608,759 cigarette butts collected make them the most littered item by piece count on U.S. beaches⁵.

Los Angeles County Department of Public Works Stormwater Public Education and Outreach Campaign: The largest entity in the western United States, with a budget of \$882 million, 3,500 employees and 2,000 pieces of heavy equipment to supports light street cleaning and road maintenance work⁶. They are responsible for the collection of more than 1 million cigarette butts and nearly 900,000 pieces of litter dropped on the each month⁷.

California Coastal Commission: The commission sponsors the annual statewide Coastal Clean Up Day presented by Brita Water Filtration Systems. The 14th annual Coastal Clean Up Day is Scheduled for Saturday September 19, 1998. Other sponsors include Saatchi and Saatchi, Starbucks and The Gap. The commission is headquarters in San Francisco and has six offices throughout California.

Surfrider Foundation USA: Sponsors and education campaign, "Hold Onto Your Butt! The Beaches and Street Are Not Your Ashtray." Established in 1984 the foundation has been dedicated to protecting the world's oceans and beaches through activism, education, and research. The foundation has its headquarters in San Clemente, California. Surfrider is a grassroots environmental organization with 25,000 members, 34 local U.S. Chapters including chapters in Florida, Hawaii, and Massachusetts. Surfrider receives financial

³ Alan Eyerly, Community News Focus; ANAHEIM; Outdoor Smoking Ban Rejected; Orange County Edition., Los Angeles Times, 06-19-1996, ppB-3.

⁴ Center for Marine Conservation, www.cmc-ocean.org/1_ac/15_regionaloffices.html

⁵ Cigarette Butts and Beverage Containers Top Beach Litter, San Diego Earth Times, www.sdearthtimes.com/et0897/et/0897s4.html

⁶ First Rain Heightens Awareness of Stormwater Pollution; Catch Basins Clean Education Plan Developed., Business Wire, 09-24-1997.

⁷ Issues & Trends: Los Angeles Cleanup Targets Stormwater Pollution., American City & County, 02-01-1998.

support from individual members, philanthropic foundations, private sector companies, estates, employee groups, and other entities⁸.

I Love A Clean San Diego (ILACSD): A not-for-profit-group founded in 1954 that promotes environmental clean up. ILACSD works with the public and private sectors to provide educational events and programs for residents throughout San Diego. In the March 1998 event more than 1,000 people volunteered and filled about 800 bags with about 12,000 pounds of trash, cigarette butts were the number one item listed by volunteers⁹.

⁸ Making Waves to Save Our Oceans, www.guidestar.org/feature/feat0011.html

⁹ David E. Graham, Volunteers Pick San Diego Clean, The San Diego Union, 03-22-1998

2077437848

CALIFORNIA CODES
PENAL CODE
SECTION 369a-402c

369a. (a) The Legislature hereby finds and declares the following:

(1) Rail transit traffic safety programs are necessary to educate the public about the potential for harm and injury arising from an individual's disregard for, and violation of, rail-related traffic safety laws, and to increase the consequences for those persons violating rail-related traffic safety laws.

(2) Currently, there does not exist a unified statewide system to deal with the ever increasing problem of rail-related traffic safety violators, and to provide a method of educating the public.

(b) In each county with a population greater than 500,000 in which a transportation commission or authority has been established and it owns or operates rail transit facilities, the commission or authority may provide and disseminate appropriate educational materials to traffic schools to aid in reducing the number of rail-related traffic accidents, including, but not limited to, a film developed or caused to be developed by the transportation commission or authority on rail transit safety.

369b. (a) This section shall only apply to counties with a population greater than 500,000.

(b) The court may order any person convicted of a rail transit related traffic violation, as listed in subdivision (c), to attend a traffic school which offers, as a part of its curriculum, a film developed or caused to be developed by a transportation commission or authority on rail transit safety.

(c) For a first offense, a court may, at its discretion, order any person cited for any of the following violations to attend a traffic school offering a rail transit safety film prepared by a county transportation commission or authority, pay an additional fine of up to one hundred dollars (\$100), or both:

(1) Section 369g.

(2) Section 369i.

(3) Subdivision (c) of Section 21752 or Section 22451 of the Vehicle Code.

(d) For a second or subsequent violation as provided in subdivision (c), a court shall order a person to pay an additional fine of up to two hundred dollars (\$200) and to attend a traffic school offering a rail safety film prepared by a county transportation commission or authority.

(e) All fines collected according to this section shall be distributed pursuant to Section 1463 of the Penal Code.

369d. Any person who enters upon or crosses any railroad, at any private passway, which is inclosed by bars or gates, and neglects to leave the same securely closed after him, is guilty of a misdemeanor.

369g. (a) Any person who rides, drives, or propels any vehicle upon and along the track of any railroad through or over its private right-of-way, without the authorization of its superintendent or other officer in charge thereof, is guilty of a misdemeanor.

(b) Any person who rides, drives, or propels any vehicle upon and

2077437849

along the track of any railline owned or operated by a county transportation commission or transportation authority without the authorization of the commission or authority is guilty of a misdemeanor.

369h. Any person, partnership, firm or corporation installing, setting up, maintaining or operating upon public or private property, any sign or light in line of vision along any main line track of any railroad in this State of such type or in such form or manner that it may be mistaken for any fixed or standard railroad signal when viewed from an approaching locomotive cab, railway car, or train, by the operators or employees upon such locomotive cab, railway car or train, so as to hinder the safe and efficient operation of such locomotive, railway car or train, and endanger the safety of persons or property upon such locomotive, railway car, or train, shall be guilty of maintaining a public nuisance. No sign, signal, flare or light placed within the right of way of any street or highway by public authorities in charge thereof, considered necessary by them to direct or warn highway traffic, shall be deemed to violate this section.

369i. (a) Any person who enters or remains upon the property of any railroad without the permission of the owner of the land, the owner's agent, or the person in lawful possession and whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders, or which, if allowed to continue, would interfere with, interrupt, or hinder the safe and efficient operation of any locomotive, railway car, or train is guilty of a misdemeanor.

As used in this subdivision, "property of any railroad" means any land owned, leased, or possessed by a railroad upon which is placed a railroad track and the land immediately adjacent thereto, to the distance of 20 feet on either side of the track, which is owned, leased, or possessed by a railroad.

(b) Any person who enters or remains upon any rail transit related property owned or operated by a county transportation commission or transportation authority without permission or whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders the safe and efficient operation of the railline or rail-related facility is guilty of a misdemeanor.

As used in this subdivision, "rail transit related property" means any land or facilities owned, leased, or possessed by a county transportation commission or transportation authority.

(c) This section does not prohibit picketing in the immediately adjacent area of the property of any railroad or rail transit related property or any lawful activity by which the public is informed of the existence of an alleged labor dispute.

(370.) Section Three Hundred and Seventy. Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a public nuisance.

371. An act which affects an entire community or neighborhood, or any considerable number of persons, as specified in the last section, is not less a nuisance because the extent of the annoyance or damage

2077437850

inflicted upon individuals is unequal.

372. Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor.

373a. Every person who maintains, permits, or allows a public nuisance to exist upon his or her property or premises, and every person occupying or leasing the property or premises of another who maintains, permits or allows a public nuisance to exist thereon, after reasonable notice in writing from a health officer or district attorney or city attorney or prosecuting attorney to remove, discontinue or abate the same has been served upon such person, is guilty of a misdemeanor, and shall be punished accordingly; and the existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense, and it is hereby made the duty of the district attorney, or the city attorney of any city the charter of which imposes the duty upon the city attorney to prosecute state misdemeanors, to prosecute all persons guilty of violating this section by continuous prosecutions until the nuisance is abated and removed.

374. (a) Littering means the willful or negligent throwing, dropping, placing, depositing, or sweeping, or causing any such acts, of any waste matter on land or water in other than appropriate storage containers or areas designated for such purposes.

(b) Waste matter means discarded, used, or leftover substance including, but not limited to, a lighted or nonlighted cigarette, cigar, match, or any flaming or glowing material, or any garbage, trash, refuse, paper, container, packaging or construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

374.2. (a) It is unlawful for any person to maliciously discharge, dump, release, place, drop, pour, or otherwise deposit, or to maliciously cause to be discharged, dumped, released, placed, dropped, poured, or otherwise deposited, any substance capable of causing substantial damage or harm to the operation of a public sewer sanitary facility, or to deposit in commercial quantities any other substance, into a manhole, cleanout, or other sanitary sewer facility, not intended for use as a point of deposit for sewage, which is connected to a public sanitary sewer system, without possessing a written authorization therefor granted by the public entity which is charged with the administration of the use of the affected public sanitary sewer system or the affected portion of the public sanitary sewer system.

As used in this section, "maliciously" means an intent to do a wrongful act.

(b) For the purposes of this section "person" means an individual, trust, firm, partnership, joint stock company, limited liability company, or corporation, and "deposited in commercial quantities" refers to any substance deposited or otherwise discharged in any amount greater than for normal domestic sewer use.

(c) Lack of specific knowledge that the facility into which the prohibited discharge or release occurred is connected to a public

2077437851

sanitary sewer system shall not constitute a defense to a violation charged under this section.

(d) Any person who violates this section shall be punished by imprisonment in the county jail for not more than one year, or by a fine of up to twenty-five thousand dollars (\$25,000), or by both a fine and imprisonment. If the conviction is for a second or subsequent violation, the person shall be punished by imprisonment in the county jail for not more than one year, or imprisonment in the state prison for 16, 20, or 24 months, and by a fine of not less than five thousand dollars (\$5,000) or more than twenty-five thousand dollars (\$25,000).

374.3. (a) It is unlawful to dump or cause to be dumped any waste matter in or upon any public or private highway or road, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner, or in or upon any public park or other public property other than property designated or set aside for that purpose by the governing board or body having charge of that property.

(b) It is unlawful to place, deposit, or dump, or cause to be placed, deposited, or dumped, any rocks or dirt in or upon any private highway or road, including any portion of the right-of-way thereof, or any private property, without the consent of the owner, or in or upon any public park or other public property, without the consent of the state or local agency having jurisdiction over the highway, road, or property.

(c) Any person violating this section is guilty of an infraction. Each day that waste placed, deposited, or dumped in violation of this section remains is a separate violation.

(d) This section does not restrict a private owner in the use of his or her own private property, unless the placing, depositing, or dumping of the waste matter on the property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or district providing fire protection services, or the Department of Forestry and Fire Protection, in which case this section applies.

(e) A person convicted of a violation of this section shall be punished by a mandatory fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) upon a first conviction, by a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) upon a second conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than one thousand dollars (\$1,000) upon a third or subsequent conviction. If the court finds that the waste matter placed, deposited, or dumped was used tires, the fine prescribed in this subdivision shall be doubled.

(f) The court may require, in addition to any fine imposed upon a conviction, that, as a condition of probation and in addition to any other condition of probation, a person convicted under this section remove, or pay the cost of removing, any waste matter which the convicted person dumped or caused to be dumped upon public or private property.

(g) Except when the court requires the convicted person to remove waste matter which he or she is responsible for dumping as a condition of probation, the court may, in addition to the fine imposed upon a conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section pick up waste matter at a time and place within the jurisdiction of the court for not less than eight hours.

(h) (1) Any person who places, deposits, or dumps, or causes to be placed, deposited, or dumped, waste matter in violation of this

2077437852

section in commercial quantities shall be guilty of a misdemeanor punishable by imprisonment in a county jail for not more than six months and by a trebled fine. The fine is mandatory and, when trebled, shall amount to not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000) upon a first conviction, not less than one thousand five hundred dollars (\$1,500) nor more than three thousand dollars (\$3,000) upon a second conviction, and not less than two thousand two hundred fifty dollars (\$2,250) nor more than three thousand dollars (\$3,000) upon a third or subsequent conviction.

(2) "Commercial quantities" means an amount of waste matter generated in the course of a trade, business, profession, or occupation. This subdivision does not apply to the dumping of household waste at a person's residence.

(i) For purposes of this section, "person" means an individual, trust, firm, partnership, joint stock company, joint venture, or corporation.

374.4. (a) It is unlawful to litter or cause to be littered in or upon any public or private property. Any person, firm, or corporation violating this section is guilty of an infraction.

(b) This section does not restrict a private owner in the use of his or her own property, unless the littering of waste matter on the property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or district providing fire protection services, or the Department of Forestry and Fire Protection, in which case this section applies.

(c) As used in this section, "litter" means the discarding, dropping, or scattering of small quantities of waste matter ordinarily carried on or about the person, including, but not limited to, beverage containers and closures, packaging, wrappers, wastepaper, newspapers, and magazines, in a place other than a place or container for the proper disposal thereof, and including waste matter which escapes or is allowed to escape from a container, receptacle, or package.

(d) A person, firm, or corporation convicted of a violation of this section shall be punished by a mandatory fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) upon a first conviction, by a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) upon a second conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than one thousand dollars (\$1,000) upon a third or subsequent conviction.

(e) The court may, in addition to the fine imposed upon a conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than eight hours.

374.7. (a) Every person who litters or causes to be littered, or dumps or causes to be dumped, any waste matter into any bay, lagoon, channel, river, creek, slough, canal, lake, or reservoir, or other stream or body of water, or upon a bank, beach, or shore within 150 feet of the high water mark of any stream or body of water, is guilty of a misdemeanor.

(b) Every person convicted of a violation of subdivision (a) shall be punished by a mandatory fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) upon a first conviction, by a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) upon a second

2077437853

conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than one thousand dollars (\$1,000) upon a third or subsequent conviction.

(c) The court may, in addition to the fine imposed upon a conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of subdivision (a), pick up litter at a time and place within the jurisdiction of the court for not less than eight hours.

374.8. (a) In any prosecution under this section, proof of the elements of the offense shall not be dependent upon the requirements of Title 22 of the California Code of Regulations.

(b) Any person who knowingly causes any hazardous substance to be deposited into or upon any road, street, highway, alley, or railroad right-of-way, or upon the land of another, without the permission of the owner, or into the waters of this state is punishable by imprisonment in the county jail for not more than one year or by imprisonment in the state prison for a term of 16 months, two years, or three years, or by a fine of not less than fifty dollars (\$50) nor more than ten thousand dollars (\$10,000), or by both the fine and imprisonment, unless the deposit occurred as a result of an emergency that the person promptly reported to the appropriate regulatory authority.

(c) For purposes of this section, "hazardous substance" means either of the following:

(1) Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the environment, including, but not limited to, hazardous waste and any material that the administering agency or a handler, as defined in Chapter 6.91 (commencing with Section 25410) of Division 20 of the Health and Safety Code, has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the environment.

(2) Any substance or chemical product for which one of the following applies:

(A) The manufacturer or producer is required to prepare a MSDS, as defined in Section 6374 of the Labor Code, for the substance or product pursuant to the Hazardous Substances Information Training Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of Division 5 of the Labor Code) or pursuant to any applicable federal law or regulation.

(B) The substance is described as a radioactive material in Chapter 1 of Title 10 of the Code of Federal Regulations maintained and updated by the nuclear Regulatory Commission.

(C) The substance is designated by the Secretary of Transportation in Chapter 27 (commencing with Section 1801) of the appendix to Title 49 of the United States Code and taxed as a radioactive substance or material.

(D) The materials listed in subdivision (b) of Section 6382 of the Labor Code.

374a. Every person giving information leading to the arrest and conviction of any person for a violation of Section 374b or 374c is entitled to a reward therefor.

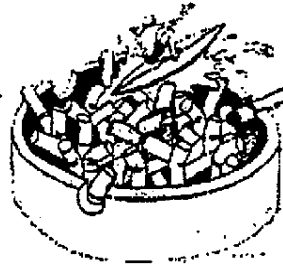
The amount of the reward for each such arrest and conviction shall be 50 percent of the fine levied against and collected from the person who violated Section 374b or 374c and shall be paid by the court. If the reward is payable to two or more persons, it shall be divided equally. The amount of collected fine to be paid under this section shall be paid prior to any distribution of the fine that may

2077437854

 **South Bay News****Hold Onto Your Butt!**

By Dave Paquin

That's the earthy name of the Surfrider Foundation's campaign aimed at educating smokers that their discarded cigarette butts are not only a major eye sore, but a serious pollution problem as well. When smokers discard their cigarette butts onto our streets, with the present storm drain system, our beaches become the eventual resting place for these thousands of little pieces of garbage.



This education campaign, which is characterized by the slogan "Hold onto your butt! The beaches and street are not your ashtray," has met with some measure of success in and around the beach communities. But, as evidenced by the massive numbers of stinky little butts on the beaches and in the water, it is painfully obvious that the campaign is far from educating everyone.

Let's get one thing straight right from the beginning: This campaign is about nothing more than where you throw away your litter, not anyone's decision to smoke or not to smoke. I only care about where you throw away the butt when you're finished smoking.

The Problem

Most smokers that I have spoken with don't realize the immense consequences of their seemingly innocuous bad habit. When I initially bring up the issue with my friends who do smoke, many of them immediately become defensive about their habit and tune out my proselytizing as being the typical anti-smoking rhetoric concerning the adverse health effects. Once I tell them the real issue that concerns me, most of them confess that they really never have given it much thought. In fact, my roommate even said that, until I told him of the problem, he believed that when the butts went into the storm drain system, they were then subsequently intercepted by the city sewer system. Sadly, this is not the case. Anything that is thrown on the streets, gutters or storm drains anywhere in the greater Los

2077437855

Angeles area, is merely diverted to the ocean, without any treatment whatsoever. This non-point source run-off presents the greatest environmental danger to our ocean.

Other people confessed that even though they knew that it was polluting, they thought that the butts were so small, they couldn't be much of a problem. Well, these people are wrong as well. Last year, at one of many beach cleanups sponsored by South Bay Surfrider and other environmental groups, thousands of cigarette butts were picked up between the Hermosa and Manhattan piers alone! It becomes obvious to some people who use our local beaches that these little butts turn out to be no small problem. It is difficult to convey the feelings of disgust and anger that overcome me as I try to enjoy our beaches, but everywhere the eye can see, hundreds of these butts, then as I make it to the water I see more bobbing up and down in the surf.

The Solution

So how can people like you and me do something about this tragic and entirely unnecessary situation? Simple: educate those around you. Smokers need to know the terrible consequences of their seemingly harmless behavior. Polite reminders that the simple act of throwing away cigarette butts where they belong, instead of on our streets, storm drains and beaches, will make the ocean environment healthier. It has been my experience that when I inform drivers that I see throw their butts out of their car window most apologize and thank me for educating them. I hope that they do change their future behavior for the better. I would like to think that when most smokers are faced with the realization that it really doesn't take much effort to simply put out their cigarettes in the ash tray (every car I've ever been in has had an ash tray), their altruistic sides will shine through, and they will do the right thing.

However, in those instances when smokers tell me to mind my own business, I gently remind them that the act of throwing a cigarette butt on the street can lead to a fine of up to \$1,500. If that doesn't appeal to their pro-environment instincts, I sometimes pick up their butt and throw it back in their car, this time not being so polite. This may seem a bit extreme, but I think it is extreme to put garbage into the ocean in such staggering quantities. I can promise you that I have made sure that many people won't do it again, at least while I am around. I take it personally when I surf with someone else's cigarette butts all around me.

2077437856

I'll admit, it's a pet peeve of mine, and I probably respond more strongly than most would ever think of responding, but it doesn't take much to make a change. So, next time you're in a car, walking down the street or at the beach and you see someone polluting with their cigarette butts or anything else, tell that someone what they're doing is harming the environment. Education is such an easy way to solve this problem. For a healthier, safer and cleaner coastal environment, I urge you to join the Surfrider Foundation and get directly involved in its efforts to help clean up our ocean!

Editor's Note: Dave Paquin and other employees of 12th Street Bar N' Grill in Manhattan Beach have been instrumental in helping with fund-raising efforts with South Bay Surfrider and we would like to thank them all once again.

Home Calendar Photos Staff T-shirt Links

For further information about
South Bay Surfrider, email Steve Fisher.
For web related information, email John Toman.

2077437857



go to [Refine Search](#) go to [Results](#)
You asked: *California and litter+cigarettes*

Document

Los Ang
visit publisher

Document Options

go to- [Best Part](#)

begin- [First Page](#)

view- [Printable](#)

STREET SMART; CHP Gets Fired Up on Seeing Burning Cigarettes Tossed; Orange County Edition

STREET SMART

CHP Gets Fired Up on Seeing Burning Cigarettes Tossed
By DAVID HALDANE, TIMES STAFF WRITER

Word Lookup

[Go!](#)

Los Angeles Times Monday November 4, 1996
Orange County Edition
Metro, Page 1
Type of Material: Column

Dictionary

Thesaurus

Dear Street Smart:

I am amazed that, with the recent fires in Southern Californ constantly see people tossing burning cigarettes from their car there a fine for this and does the California Highway Patrol en

Michael Berbae
Capistrano Beach

*

Yes on both counts, says CHP spokesman Jose Vasquez: The fin stiff and enforcement is rigorous.

But cigarettes aren't the only things that are illegal to th the road. According to the California Vehicle Code, it is again for any person (pedestrians included) to "throw or discharge on or highway or adjoining area, public or private, any lighted or cigarette, cigar, match or any flaming or glowing substance . .

In other words, if a CHP officer sees you light a cigarette, the match and toss it out the window, you're busted. Ditto for the ashes onto the street from a cigarette or cigar.

The law applies on every road in California, be it in the co the city.

"This is something that most officers cite as often as they Vasquez said. "It's a big problem: People don't realize that th will blow it off into the bushes and, within 30 minutes, you'll fire going."

Mandatory fines are \$100 to \$1,000 for the first offense, \$5 \$1,000 for the second offense, and \$750 to \$1,000 for each offe that. The penalties are identical to those for littering, Vasqu with one important difference: Creating a fire hazard by discar flammable debris is considered a moving violation and, as such, appear on your driving record at the DMV and possibly affect yo insurance rates.

2077437858

"It's a stiff penalty," Vasquez said. "And we do enforce it.

Dear Street Smart:

Driving west on Katella Avenue at the corner of West Street Anaheim, there is a bus stop where the bus drivers are taking 10-minute breaks and blocking the right lane. The traffic is slow because the drivers are changing lanes at the stop.

It's a risk I took several times--otherwise you get stuck at stop light for quite a few minutes.

Wouldn't it be much easier for the bus drivers to take their Walnut Street, just around the corner, where the line ends?

Nick L. Morar

Orange

To begin with, bus drivers are not taking breaks at the stop question, according to John Standiford, a spokesman for the Orange Transportation Authority. There are a number of reasons, however, bus might spend a few minutes there, Standiford said.

The driver could be pausing to pick up or let off passengers wheelchairs. Or the bus could have gotten ahead of schedule and stopping for a few minutes to avoid arriving at its next stop too

"If you know the bus stops at a certain time and you get there minutes early and the bus already went by 10 minutes early," Standiford said, "you're going to miss it. If a bus is running ahead of schedule there are times when the driver needs to stop for a few minutes actually slow down to get closer to schedule."

The situation is exacerbated at the particular spot you mentioned, by the fact that OCTA buses aren't the only ones using it. Other bus companies that stop there, include the Metropolitan Transit Authority out of Los Angeles, the Riverside Transit Agency out of Riverside and several private shuttle companies.

Because of its proximity to Disneyland, Standiford said, "probably more buses serve this general area than any other area in the county."

That's probably why you thought that Walnut was the end of the line. In fact, according to Standiford, it just looks that way because Riverside buses park there for the night.

The problem could be eased somewhat by the addition of a bus stop, he said, but that would require the cooperation of the city of Orange. If you wish to register an official complaint about the conditions at this stop or any other, Standiford said, call (714) 636-RIDE, Ext. 200.

*

Dear Street Smart:

There has been considerable controversy surrounding the toll authority taking a section of the formerly free public Newport Drive to be part of the Route 73 tollway. Approximately one year ago users of Newport Coast Drive were assured by the tollway authority that the toll for using the northernmost three-quarters of a mile in that direction would be 50 cents or less. Was the tollway authority

2077437859

the truth?

Richard Gandin

Laguna Beach

The answer is yes, according to Lisa Telles, a spokeswoman f
Transportation Corridor Agencies. The toll for traversing that
the road--collectible at Newport Coast Drive--will be 50 cents.

Other tolls along the 15-mile route will range from 25 cents
depending on where one enters or exits.

The final stretch of the new toll road, including the segmen
connecting Newport Coast Drive, is scheduled to open on Nov. 21

Street Smart appears Mondays in The Times Orange County Edit
Readers are invited to submit comments and questions about traf
commuting and what makes it difficult to get around in Orange C
Include simple sketches if helpful. Letters may be published in
columns. Please write to David Haldane, c/o Street Smart, The T
Orange County Edition, P.O. Box 2008, Costa Mesa, CA 92626, sen
(714) 966-7711 or e-mail him at David.Haldane@latimes.com. Incl
full name, address and day and evening phone numbers. Letters m
edited, and no anonymous letters will be accepted.

Copyright, The Times Mirror Company; Los Angeles Times, 1996.

DAVID HALDANE, STREET SMART; CHP Gets Fired Up on Seeing Burni
Tossed; Orange County Edition., Los Angeles Times, 11-04-1996, pp B-1.

[Back to Top](#)



Copyright © 1998 Infonautics Corporation. All rights reserved. - Terms and Conditions

2077437860



go to [Refine Search](#) go to [Results](#)
You asked: *litter+cigarettes*

Document

Los Ang
[visit publisher](#)

Document Options

- go to - [Best Part](#)
- begin - [View Search](#)
- view - [Printable Copy](#)

Smoker's Defense Rebutted by Jurors; Courts: A Dana Point man who claimed his lighting up in a bar was a stand for freedom is convicted, fined and sentenced to pick up butts.; Orange County Edition

Word Lookup

[Go!](#)

- [Dictionary](#)
- [Thesaurus](#)

Smoker's Defense Rebutted by Jurors
Courts: A Dana Point man who claimed his lighting up in a bar w
stand for freedom is convicted, fined and sentenced to pick up
By GEOFF BOUCHER, TIMES STAFF WRITER

Los Angeles Times Thursday April 23, 1998
Orange County Edition
Metro, Page 1

In the case of the Dana Point defiant smoker, the defendant wan
the jury to take a stand for personal freedoms and the little g
the end, the jury filtered all that out.

"Excuse the pun, but it was a smoke screen," juror Ann Van d
said after she and 11 other nonsmokers found Craig Thomas Etlin
of disrupting a business with his Jan. 17 tirade at a local bar
was asked to snuff his Marlboro Light.

Etling was fined \$270 and sentenced Wednesday to three days
collecting cigarette butts and other litter from the harbor are
scene of the misdemeanor crime, Harpoon Henry's bar and restaur
Orange County Municipal Judge Selim Franklin prefaced the sente
saying, "Let the punishment fit the crime."

The 35-year-old computer consultant and pack-a-day smoker wa
fined \$85 for flouting the state's 4-month-old ban on smoking i
enclosed, indoor bars. The prosecutor on the case said Etling i
first Orange County smoker to be busted and among the first sta

A jury of four men and eight women deliberated less than an
before finding Etling guilty of disrupting business at Harpoon
"They didn't kick him out because he was smoking, they kicked h
because he was a problem," said juror Rose Turi of Laguna Nigue
kind of acted like a jerk."

Etling admitted on the witness stand that he ignored posted
Smoking" signs and openly defied a bartender and manager who po
asked him to put out his cigarette or leave.

Witnesses testified that Etling told a bartender he hoped th
bartender would "die from second-hand smoke" and challenged him
fistfight. Etling then left the bar only to return a short time
lit up three more cigarettes and lined them up on the bar to sm
according to testimony.

2077437861

Deputy Dist. Atty. Paul J. Chrisopoulos told the jurors that was "being obnoxious for the sake of being obnoxious" and that wanted "five minutes of fame" for his antics.

Defense attorney Michael B. Stone of Seal Beach argued that was "fed up" with laws encroaching on his personal freedoms and bar was empty when Etling and friends arrived to order coffee a of whale-watching.

The bar employees were the ones responsible for the escalati confrontation and they should have allowed Etling to smoke unti else complained, Stone said. He told the jurors to ask themself there a threshold of pettiness beyond which the law cannot go?"

After the verdict, puffing on a cigarette in the parking lot Laguna Niguel courthouse, Etling said he was disappointed but n surprised by the jury's decision. Smokers are being demonized, and his actions were a protest against the bar employees who ta and the ban that irks him.

"A different verdict would have made a statement to the Legi Etling said.

He said his actions were initially a way to irritate the bar but became more symbolic as the tension mounted. "At that point a protest. I said to myself, 'I'm not going to take it anymore.

Stone said he and his client are mulling an appeal to Etling conviction of violating the smoking ban. The six-page state law the ban is so "vague and confusing" that it may be unconstituti the grounds that it denies citizens due process.

Copyright, The Times Mirror Company; Los Angeles Times, 1998.

GEOFF BOUCHER, Smoker's Defense Rebutted by Jurors; Courts: A Dana P claimed his lighting up in a bar was a stand for freedom is convicted, fined and up butts.; Orange County Edition., Los Angeles Times, 04-23-1998, pp B-1.

[Back to Top](#)

SEARCH

Copyright © 1998 Infonautics Corporation. All rights reserved. - [Terms and Conditions](#)

2077437862



go to [Refine Search](#) go to [Results](#) Document
You asked: *city ordinances+cigarettes and litter*

Los Ang
visit publisher

- Document Options
- go to - Best Part
 - begin - New Search
 - view - Print Only

Billboard, Alcohol Companies Battle Proposed Limits on Ads; City Council: Mike Feuer's ordinance would virtually eliminate roadside signs for liquor and tobacco in L.A.; Valley Edition

Word Lookup

- Dictionary
- Thesaurus

Billboard, Alcohol Companies Battle Proposed Limits on Ads
 City Council: Mike Feuer's ordinance would virtually eliminate roadside signs for liquor and tobacco in L.A.
 By JILL LEOVY, TIMES STAFF WRITER

Los Angeles Times Saturday June 6, 1998
 Valley Edition
 Metro, Page 4

Billboard and alcohol companies are fighting hard against City Councilman Mike Feuer's plan to virtually eliminate alcohol and billboards from the city of Los Angeles.

In recent weeks, lobbyists and public relations representati big billboard and alcohol companies have been pounding the lino City Hall in anticipation of a meeting on the subject Tuesday.

"There's been a ton of lobbying," said Feuer, who recently m representatives of beer companies and distillers and came away unconvinced that he should alter his stance.

"I anticipate support for this," he said.

More cities are moving to limit alcohol and cigarette advert is seen by children.

Feuer has proposed an ordinance for L.A. that would ban such effective within 1,000 feet of schools, playgrounds, parks and- importantly--residential areas.

It is this last provision that makes Feuer's proposal a radi beyond one approved by Los Angeles County last year. Because re areas in L.A. are so ubiquitous, city officials estimated that billboards in the city would be affected by the ban.

"I guess our concern is that there will be such restrictions won't be able to advertise liquor and alcohol at all," said Den general manager of Outdoor Systems Advertising.

"We believe in freedom of speech," he said. "There should be restrictions, but I don't want to go crazy."

The billboard industry has had a voluntary ban on billboards 500 feet of schools, churches, playgrounds and hospitals, said spokesman for Outdoor Systems.

The alcohol industry has also observed a similar voluntary b

2077437863

also includes advertising within residential areas.

But what Feuer has proposed, "is a 100% ban in our ability to advertise on billboards," said Andrew Baldonado, spokesman for Anheuser-Busch. "We take [such restrictions] very seriously. What is this stop?"

Feuer argues that because the proposed ordinance is not an outright ban, but a limitation based on concerns about exposure to advertising to children--potential underage users--the city would be on legal ground.

City Council Hal Bernson, chairman of the powerful Planning and Zoning Commission, only partly agrees.

"We have to remember there may be 1st Amendment rights involved especially with alcohol," he said. "There may be greater ability to regulate tobacco." Asked why, Bernson said, "Because it's dead."

Bernson said he's also concerned about hurting business and jobs in the billboard industry. Fox, of Outdoor Systems, said alcohol and tobacco ads represent about 10% of the company's sales.

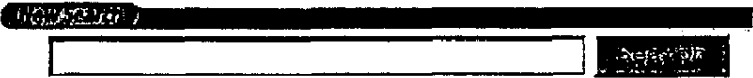
Feuer has allies among the other council members, including Alatorre, Cindy Miscikowski and Rita Walters.

Said Bernson: "It's going to be a contentious issue."

Copyright, The Times Mirror Company; Los Angeles Times, 1998.

JILL LEOVY, Billboard, Alcohol Companies Battle Proposed Limits on Ads; Mike Feuer's ordinance would virtually eliminate roadside signs for liquor and Valley Edition., Los Angeles Times, 06-06-1998, pp B-4.

[Back to Top](#)



Copyright © 1998 Infonautics Corporation. All rights reserved. - Terms and Conditions

2077437864

Four Beaches Ban Puffing New Beachhead in War on Smoking?

National Campaign May Make Smokefree Beaches Newest Tourist Attraction Move Consistent With Growing Smoking Bans in Other Outdoor Areas

At least four beaches have already banned smoking or set aside no-smoking sections in what may be the latest beachhead in the fight to protect nonsmokers from tobacco smoke both indoors and outdoors.

On Monday the town of Sharon, Massachusetts passed an ordinance which bans smoking at the town's beaches, as well as in all town playgrounds. Previously, Honolulu's City Council banned all smoking at Hanauma Bay, a beach which has about 1.5 million visitors a year. Since the law came into effect, most of those fined for smoking have been Japanese tourists who either cannot, or will not, understand the no smoking signs. The Honolulu City Council is now considering establishing no-smoking beaches at Waikiki.

Meanwhile, in Europe, there are now smoke-free beaches at Bournemouth, a British resort which gets more than two million visitors each year and has more discos than anywhere in the U.K. apart from London, and at Damp, a small resort along Germany's windy Baltic Sea coast. Action on Smoking and Health (ASH), a national antismoking organization which led the fight to ban smoking on airplanes, trains, buses, and in most other public places, says that it will begin a national campaign to encourage beaches all over the country to ban smoking, or at least to establish no-smoking areas.

Actually, the four beach bans are simply the latest steps in a movement ASH helped start to prohibit smoking even outdoors wherever it causes problems for nonsmokers, says law professor John Banzhaf, ASH's Executive Director, who cites the following: more and more sports stadiums are banning smoking in being prohibited in lawn-seating areas of places in which concerts are being presented, such as Wolf Trap Park near Washington, D.C.

A Davis, California, law enacted earlier this year prohibits outdoor smoking on sidewalks in front of buildings in many companies and building managers have prohibited smoking immediately adjacent to entrances to their buildings. These prohibitions are coming about because we are increasingly recognizing that even smoking outdoors can cause annoyance and irritation and sometimes even health problems when people are close together, says Banzhaf. He notes that the Sharon ordinance was championed by a woman whose husband is sensitive to smoke because he's asthmatic.

Banzhaf notes that there are also other very compelling reasons to prohibit smoking on beaches. In Honolulu, he notes, one of the major concerns was that cigarette butts left on beaches created a danger for sea turtles and other wildlife which frequented the area. Another good reason is to reduce litter. "Cigarette butts are one of the most pervasive types of litter found on beaches," he says.

FOR IMMEDIATE RELEASE: Monday, May 15, 1995

FOR MORE INFORMATION, CALL: John Banzhaf (202) 659-4310

[Return to Top](#)

[Return to PR List](#)

2077437865



go to Refine Search go to Results Document
You asked: Anaheim and Litter+Cigarettes

Los Ang
visit publisher

Document Options

- go to -
- begin -
- view -

Community News Focus; ANAHEIM; Outdoor Smoking Ban at Libraries Rejected; Orange County Edition

Word Lookup

- Dictionary
- Thesaurus

Community News Focus
ANAHEIM
Outdoor Smoking Ban at Libraries Rejected
By ALAN EYERLY

Los Angeles Times Wednesday June 19, 1996
Orange County Edition
Metro, Page 3
Type of Material: Column; Brief

A proposal to ban smoking outside city libraries was rejected unanimously by the City Council Tuesday night.

The city's Library Board had made the proposal following com that smokers were congregating on library walkways and leaving butts.

Christopher Jarvi, director of Anaheim's Community Services Department, said the city is also receiving a mounting number o complaints "regarding having to walk past groups of people smok entrances to our buildings and thereby experiencing secondhand

But council members said the problem should be handled by th staff rather than with legislation.

Councilman Lou Lopez said the proposal, which would have ban smoking from parking lots as well, was "too restrictive."

"There's got to be an area somewhere, maybe on the side, whe can smoke. I wish people wouldn't smoke, but what can you do."

Councilman Bob Zemel said the proposal would violate persona "It's not something I personally want Anaheim to be noted for,"

The council suggested that signs requesting that people not posted outside libraries, and that if the problem continued, th matter be brought back to the council.

Copyright, The Times Mirror Company; Los Angeles Times, 1996.

ALAN EYERLY, Community News Focus; ANAHEIM; Outdoor Smoking B Rejected; Orange County Edition., Los Angeles Times, 06-19-1996, pp B-3.

[Back to Top](#)

2077437866


[go to Refine Search](#)
[go to Results](#)
[Document](#)
You asked: *smoking and beaches*

Document Options

go to - [Best Part](#)begin - [Alert Search](#)view - [Printable Copy](#)

Word Lookup

 [Go!](#)
 [Dictionary](#)
 [Thesaurus](#)

S.F. playgrounds likely to go smoke-free (USA TODAY)

SAN FRANCISCO -- California, the first state to ban smoking in bars, is leading the way into the next anti-smoking frontier: the great outdoors.

San Francisco's parks commission is expected next week to ban smoking at 29 playgrounds and recreation centers. The city would become the sixth in California to restrict outdoor smoking.

A Santa Cruz ordinance outlawing smoking in lines for movies and buses takes effect June 23. Palo Alto, Clayton, Davis and Arcata also have laws against lighting up in certain outdoor areas, including within 20 feet of the entrances to public buildings, where smokers often gather if they cannot smoke indoors.

Just a handful of other cities around the country have cracked down on outdoor smoking. Anti-smoking activists say that as long as some states and localities permit smoking in workplaces and public buildings, their efforts will continue to focus on indoor smoking.

"Places that have already looked at the clean indoor-air issue are the ones beginning to look outside where the crowds are, where people gather and are exposed to secondhand smoke," said Cynthia Hallett, policy manager with Americans for Nonsmokers' Rights in Berkeley, Calif.

Smoking is prohibited on beaches and in public playgrounds in Sharon, Maine; at outdoor recreation areas in Mount Olive, N.J.; on beaches in Carmel, N.Y.; and in public parks in Bellaire, Texas. New York City prohibits smoking at children's playgrounds.

Mesa, Ariz., has the nation's strictest law, banning smoking in nearly all outdoor places where the public congregates. That includes sidewalks in commercial districts, public parks and areas within 15 feet of building entrances. Fines start at \$100.

All Major League Baseball teams, most minor league teams and all National Football League teams prohibit smoking in their stadium seating areas.

A number of cities, including New York and Arlington, Mass., require outdoor restaurants to either ban smoking or provide nonsmoking sections.

The outdoor smoking policies vary from place to place, but few are blanket bans. They tend to focus on areas where people congregate in captive situations, such as at bus and subway stops. Some are enforced by local police departments and carry penalties equivalent to traffic infractions or the lowest class of misdemeanor.

San Francisco's restrictions enunciate policy but are not formal laws. They would target areas where children congregate, mostly small parks and

2077437867

playgrounds. The goal is not only to protect children from secondhand smoke but to discourage smoking among the young.

In the cities that pioneered outdoor smoking bans, compliance is good, officials say. Davis' law, passed in 1993, is enforced when a citizen complains, "but there hasn't been much of a problem," City Clerk Bette Racki said. "If there's smoking in an outdoor restaurant, someone will tell the owner or a waiter, and the person will be asked not to smoke. It usually works."

In Palo Alto, which banned smoking within 20 feet of public buildings in 1995, no one has been prosecuted for a violation, Judy Glaes, a police code-enforcement officer, said.

Many smokers see the laws as a denial of their rights.

"These laws infringe on the rights of individuals to make lifestyle choices on legal products," said Michael Hambrick, vice president of the National Smokers Alliance, a 3 million-member grass-roots organization based in Alexandria, Va. "Where is it going to stop? In a person's castle, his own home?"

So far, 42 states restrict smoking in indoor public places such as government buildings, hospitals, restaurants and arenas.

Twenty-three states restrict smoking in private workplaces.

Two states, Mississippi and Alabama, still allow unrestricted smoking in public places.

Copyright 1998, USA TODAY, a division of Gannett Co., Inc.

John Ritter, S.F. playgrounds likely to go smoke-free., USA TODAY, 06-10-1998, pp 03A.

[Back to Top](#)

Copyright © 1998 *Infonautics Corporation*. All rights reserved. - [Terms and Conditions](#)

2077437868



go to [Refine Search](#) go to [Results](#)
You asked: *litter+butts and Florida*

Document

Document Options

- go to - [Best Part](#)
- begin - [Full Text Search](#)
- view - [Printable Copy](#)

First Rain Heightens Awareness of Stormwater Pollution; Catch Basins Cleaned, Public Education Plan Developed

(Business Wire)

(BW) (COUNTY-OF-LOS-ANGELES) First Rain Heightens Awareness of Stormwater Pollution; Catch Basins Cleaned, Public Education Plan Developed

Word Lookup

[Go!](#)

- [Dictionary](#)
- [Thesaurus](#)

News Editors

ALHAMBRA, Calif.--(BUSINESS WIRE)--Sept. 25, 1997--As the first rain in 219 days mists the Southland, crews from Los Angeles Co Department of Public Works are clearing flood control channels catch basins of debris flowing from storm drains in preparation heavier rains to come.

"We've repaired channel fencing, raked tons of debris and in pumping facilities as we do each year in anticipation of flood season," said Harry Stone, Los Angeles County director of the Department of Public Works.

The push comes at a time when new research shows that each month Los Angeles County residents drop 1,094,296 cigarette butts and 888,706 pieces of litter on the ground or out their car windows. These pollutants travel through the storm drain system and end County lakes, rivers and the Pacific Ocean.

The research was conducted as a part of a new, broad-based public information campaign to help prevent stormwater pollution. The campaign, presented to the Regional Water Quality Control Board the County in August, is designed to heighten awareness about the dangers of stormwater pollution and offer actions that individuals can take to improve stormwater quality.

Everyday tons of pollutants including animal droppings, pesticides, motor oil and lawn fertilizers are dumped into water storm drains on city streets. In the season's first major rain pollutants mix with 9 billion gallons of water and flow untreated into the County waterways.

Stormwater pollution has been linked to increased risk of viral infections, flu and skin rashes for ocean swimmers near storm drain outfalls, according to an epidemiological study conducted by the School of Medicine for Santa Monica Bay Restoration Project in Los Angeles. It can also close beaches and contaminate or kill marine life. Last year alone, of the 4,200 tons of trash collected by the County, roughly 2,100 tons came from County beach cleanups at an estimated cost of \$7.2 million.

According to Stephen Groner, DWP's Stormwater Project Manager, the new public education and outreach campaign "lets people know exactly what they can do to reduce stormwater pollution."

"The program targets residents who are the biggest polluters most likely to change their polluting behaviors," said Groner.

The campaign is the result of a new National Pollution Discharge Elimination System (NPDES) Permit, issued in July 1996 by the Regional Water Quality Control Board, which relies on public education as the predominant method of reducing pollutants to creeks and inland waterways. In a leadership role, the County is working with the City of Los Angeles and 84 other cities, environmental

2077437869

groups and regulatory agencies to combine resources in what may be a nationwide model for stormwater education.

As well as strong public education, the plan hopes to reduce illegal storm drain dumping and develops guidelines for "good housekeeping" practices for businesses.

The public education plan aims to reach residents with storm pollution prevention information, including simple, everyday ac they can put to use at home and work.

Sample pollution-fighting actions, called "best management practices," include preventing fertilizer runoff, changing vehi fluids indoors and picking up after pets. The campaign targets homeowners, known as "Neat Neighbors," and do-it-yourselfers ca "Fix-it Foul-ups" who are often well intentioned but unaware of their polluting behaviors.

The targets are the result of a comprehensive study that determined very specifically who was polluting and what types o pollution were found in the storm drain system. The study was conducted by Pellegrin Research, a Glendale-based market resear data collection firm.

Los Angeles County Department of Public Works is the largest entity in the western United States, with a budget of \$882 mill 3,500 employees and 2,000 pieces of heavy equipment to support street light and road maintenance work.

The Stormwater Public Education and Outreach campaign is one several new and groundbreaking environmental programs that enco the County's 10 million residents to build better communities b reducing waste to County landfills, preventing pollution of our rivers, lakes and ocean, and keeping our neighborhoods clean, h and informed.

--30--LF/la WJA/la

CONTACT: County of Los Angeles
Stephen Groner, 626/458-5947
or
Rogers & Associates
Jean Young, 310/552-6922 ext. 190

KEYWORD: CALIFORNIA
INDUSTRY KEYWORD: GOVERNMENT ENVIRONMENT ENMED
Today's News On The Net - Business Wire's full file on the Inte with Hyperlinks to your home page.
URL: <http://www.businesswire.com>

(c) 1997 Business Wire. All reproduction, other than for an ind user's reference, is prohibited without prior written permissio

(c) 1997 Business Wire

First Rain Heightens Awareness of Stormwater Pollution; Catch Basins Clean Education Plan Developed., Business Wire, 09-24-1997.

[Back to Top](#)

Copyright © 1998 Infonautics Corporation. All rights reserved. - Terms and Conditions

2077437870



go to [Refine Search](#) go to [Results](#)
You asked: *litter+butts and Florida*

Document

Document Options

- go to - [Best Part](#)
- begin - [New Search](#)
- view - [Printable Copy](#)

Word Lookup

[Go!](#)

- Dictionary
- Thesaurus

Issues & Trends: Los Angeles cleanup targets stormwater pollution

([American City & County](#))

Each month, Los Angeles County residents drop more than 1 million cigarette *butts* and nearly 900,000 pieces of *litter* on the ground. That's according to research conducted by Glendale, Calif.-based Pellegrin Research for the Los Angeles County Department of Public Works. The DPW is concerned about the debris traveling through the storm drain system and ending up in lakes, rivers and the Pacific Ocean.

That debris consists of tons of pollutants, including animal droppings, pesticides, motor oil and lawn fertilizers, that ultimately end up in the ocean. A major rainfall can result in 9 billion gallons of water flowing untreated into county waterways.

- Stormwater pollution has been linked to increased risk of viral infections, flu and skin rashes for ocean swimmers near storm drain outfalls, according to a 1996 epidemiological study conducted by the University of Southern California School of Medicine. It also can close beaches and contaminate or kill marine life. In 1996 alone, of the 4,200 tons of trash collected by L.A. County, roughly 2,100 tons came from county beach cleanups that cost about \$7.2 million.

In preparation for the expected heavy rains resulting from El Nino, crews from the DPW have been hard at work in recent months clearing flood control channels and catch basins. "We've repaired channel fencing, raked tons of debris and inspected pumping facilities as we do each year in anticipation of flood season," says Harry Stone, director of the 3,500-employee department.

In addition to maintaining the infrastructure, the county is undertaking a stormwater public education and outreach campaign. The program "lets people know exactly what they can do to reduce stormwater pollution," says Stephen Groner, DPW's stormwater project manager. "The program targets residents who are the biggest polluters and most likely to change their polluting behaviors."

The educational campaign seeks to reach residents with newspaper, magazine, radio and billboard advertising that offers tips for fighting pollution. The "Neat Neighbors" campaign targets homeowners, while the "Fix-it Foul-ups" campaign is directed toward do-it-yourselfers, who often are unaware that their actions produce pollution. The advertising campaign, slated to run through May, initially will focus on *litter* prevention and

2077437871

cleanup and the reduction of fertilizer or pesticides flowing from lawns into the streets.

The campaign is the result of a National Pollution Discharge Elimination System permit issued in 1996 by the Regional Water Quality Control Board, part of the California Environmental Protection Agency. The permit calls for the county and its 85 incorporated cities to measurably increase the knowledge of target audiences regarding the impact of stormwater pollution. The regional board relies on public education as the predominant method of reducing pollutants to coastal and inland waterways.

In a leadership role, the county is working with Los Angeles and 84 other cities, environmental groups and regulatory agencies to combine resources in what may amount to a nationwide model for stormwater education.

Reducing illegal storm drain dumping and developing waste disposal guidelines for small businesses are primary objectives. The outreach campaign is one of several recently implemented environmental programs that encourage L.A. County's 10 million residents to build better communities by reducing waste to county landfills, preventing pollution of rivers, lakes and the ocean and keeping neighborhoods clean.

©1998, Intertec Publishing Corporation, a PRIMEDIA Company. All Rights Reserved.

Issues & Trends: Los Angeles cleanup targets stormwater pollution., American City & County, 02-01-1998.

[Back to Top](#)



Copyright © 1998 Infonautics Corporation. All rights reserved. - Terms and Conditions

2077437872

Subject: ET 8/97: Cigarette butts and beverage containers top beach litter
Date: Tue, 21 Apr 1998 15:03:42 -0400
From: Michelle Lane <mlane@bivwood.com>
To: mlane@bivwood.com

<http://www.sdearthtimes.com/et0897/et0897s4.html>

Diego Earth Times '97

Cigarette butts and beverage containers top beach litter

provided by the Container Recycling Institute

If you're headed for the shore, you can expect to encounter more cigarette butts and beverage containers on the beach than any other littered item. According to the 1996 annual beach cleanup sponsored by the Center for Marine Conservation (CMC), the 608,759 cigarette butts collected make them the most littered item by piece count on U.S. beaches. Beverage cans and bottles were second at 380,213 containers. Another 261,920 items associated with beverage containers (e.g., bottle caps, pull tabs, six-pack rings and glass pieces) were also collected, for a total of 642,133 pieces of "beverage containers and associated goods."

However, Pat Franklin, Executive Director of the Container Recycling Institute, maintains that measuring litter by piece count is deceiving. "Measuring litter by volume provides a more accurate measure of the visual impact of litter," she said. "A can or bottle is a heck of a lot bigger than a cigarette butt, and a broken bottle is lot more treacherous."

Franklin says beverage containers are gaining ground in the battle for the most littered item on America's shorelines by piece count, too. According to CRI's analysis of CMC data, cigarette butts declined 30 percent last year, while beverage containers dropped just 4 percent. "If one butt equals one bottle, then beverage containers are the Avis of beach litter," Franklin said. "But on a volume basis, beer and soda cans and bottles hold the number one spot on the litter charts."

She noted that over 140,667 pieces of glass were collected during CMC's beach cleanup, most of which were from broken beverage bottles. "That is the kind of litter that is not only unsightly, but dangerous," she said.

Franklin maintains that beverage container litter is a rarer sight in California, Connecticut, Delaware, Iowa, Maine, Massachusetts, Michigan, New York, Oregon and Vermont. "In those states beer and soda cans and bottles have a deposit value ranging from 2.5 - 10 cents. The deposit value provides a disincentive to litter," she said.

[Home](#) [Subject Index](#) [Table of Contents](#) [Prev Article](#) [Next Article](#)

2077437873

LEXIS-NEXIS

reQUESTer

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)**Document 12 of 50.**

Copyright 1998 The San Diego Union-Tribune
The San Diego Union-Tribune

March 22, 1998, Sunday

SECTION: LOCAL; Ed. 1,2; Pg. B-2

LENGTH: 569 words

HEADLINE: Volunteers pick San Diego clean -- piece by piece

BYLINE: David E. Graham; STAFF WRITER

BODY:

Plastic bottles. **Cigarette butts.** Oil cans. Toothbrushes. Balloons and a small "mystery bag" he did not dare open.

Chad Irwin, an analyst for an investment firm, recited some of the bounty of trash he had just collected along a stretch of Mission Beach.

"With only an hour's work, the world is better," said the Mission Beach resident. "Now there's less trash in the world."

Irwin was one of hundreds of individuals and social and school groups fanning out across county beaches, parks, vacant lots and byways yesterday to pick up trash in an effort organized with I Love A Clean San Diego, a not-for-profit group that promotes such efforts.

Irwin, like others, found his hour or two of collecting was a convenient, yet measurable, way of making a social contribution without any lingering commitments that he would have difficulty finding time and energy to fulfill.

At the same collection center in Mission Bay Park, a group of SDSU sorority sisters turned out in the warm morning air, as did a father and his teen-age daughter and small groups of friends, to receive plastic bags and set out in search of trash.

All told, about 40 people returned to the site with 20 heavy-duty garbage bags of trash and 13 bags filled with materials that could be recycled, including glass and plastic.

At 15 locations across the county, more than 1,000 people volunteered and filled about 800 bags with about 12,000 pounds of trash and 54 other bags with about 800 pounds of recyclable materials, said Michelle Morena, executive director of I Love A Clean San Diego. Some 200 people showed up at Mira Mesa High School for a collection based there.

I Love A Clean San Diego organized yesterday's event at the suggestion of First Brands Corp., maker of Glad brand trash bags. First Brands donated trash bags and gifts of pencils, hats and water bottles for those who volunteered. Yesterday's clean-up was the first sponsored by the company here, although it has sponsored similar projects around the country.

2077437874

"It's easy to walk by litter," Morena said. "We're trying to teach people to go out and clean it up themselves. And to realize you can have a lot of fun doing it and take pride in your community."

For Christian Angel, 13, an eighth-grader at Montgomery Academy in Linda Vista, trash collecting along Mission Beach was indeed a lesson in civic responsibility. Her science teacher shepherded her and about 20 classmates along the beach to meet a class requirement of performing community service activities.

"It was fun, it helps, and I like the animals," Christian said. The youngsters were taken with sea cucumbers they saw washed up on the beach.

Many areas covered by yesterday's volunteers -- including vacant lots, parking areas and some beaches -- are not routinely cleaned by city or county trash collection agencies, Morena said.

I Love A Clean San Diego will continue to provide trash bags to individuals or groups requesting them for their own collection outings, she said.

Paul Whitby, 70, and Bobbi Whitby, 55, who live in Pacific Beach, used yesterday's event as the impetus to tidy up a section of the shoreline they walk mornings and evenings for recreation.

"There's a gold mine of trash out there," said Whitby after nimbly maneuvering a black plastic garbage bag into a collection pile. "It's nice to collect it when other people are doing it."

GRAPHIC: 1 PHOTO; NELVIN CEPEDA / Union-Tribune; Trash removers: Joel Camacena, 14, (right) and Bing Duong, 13, classmates at Montgomery Academy in Linda Vista, took part in yesterday's cleanup along Mission Beach.

LANGUAGE: ENGLISH

LOAD-DATE: March 23, 1998

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437875



go to [Refine Search](#) go to [Results](#)
You asked: *California and litter+cigarettes*

Document



[visit publisher](#)

Document Options

- go to - [Best Part](#)
- begin - [New Search](#)
- view - [Printable Copy](#)

Word Lookup

[Go!](#)

- Dictionary
- Thesaurus

Many adopt habit of picking up litter

Drive along almost any north Fulton roadway and you'll see buildings rising, spreading and probably the very road you have chosen stretching to accommodate people, more business and more traffic.

With that growth has come a new layer of litter as construction debris, fast-food wrappers and an assortment of casually tossed or poorly secured sundries piles

Local governments faced with keeping the roadways clean are seeking new ways to pick up the pace and the litter.

Roswell doubled participation in its 4-year-old Adopt-a-Road program this year erecting signs not only on stretches already adopted but on roads awaiting help, environmental coordinator Nancy Womack said.

"Since the signs were successful when placed by Roswell DOT, we want to give Mitch Fowler, DOT district engineer, said of a statewide program that began this year on state roads in Roswell.

Volunteer groups are being recruited and recognized publicly for more than 20 miles of roads covered by Alpharetta Clean and Beautiful.

And in north Fulton's unincorporated areas, Bettye McMickens expects signs to soon mark 12 miles of adopted roadways covered by Keep Sandy Springs/Fulton Beautiful.

Local programs are tailored offshoots of the state adopt-a-highway program that began in 1988.

Alpharetta's 8-year-old program asks for a commitment to quarterly cleanups, Roswell and the county ask for six a year. Spots, instead of miles, also are available for adoption.

Volunteer adoption that saved Alpharetta more than \$5,000 last year is just half of what director of Environmental Services Dee West said. Many of the 20 programs that have been adopted concern the damage litter can cause and offer ways to prevent it.

"The more litter you have, the more litter you're going to have," West said, repeating the national Keep America Beautiful campaign's findings that clean roads are more likely to attract more litter.

Jean O'Kelley, Alpharetta adoption program coordinator, tells of a cat she found near the Maddox Street office, its face covered by a plastic sandwich bag. Not only can cats be killed, if left to the elements the bag would have been a threat for years it would take to decompose.

Cigarette filters, the single-largest litter problem in terms of volume, take 15

2077437876

decompose, West said.

"You find them any place you stop," she said. "People think it's small. Too many think this won't make any difference. They have no notion what they've put into it."

Sometimes volunteers become sleuths helping to track the source of litter. We usually trace the fault to trash that was properly disposed of but hauled in inadequately secured private trucks, she said.

While the actual litterer may be the trash haulers, West believes in telling them that they have a responsibility to hire only haulers they know to be more conscientious.

Copyright 1997, The Atlanta Journal and Constitution, All rights reserved.

Marcia Langhenry STAFF WRITER, Many adopt habit of picking up litter., The Atlanta Journal and Constitution, 09-25-1997, pp E07.

[Back to Top](#)

Copyright © 1998 Infonautics Corporation. All rights reserved. - [Terms and Conditions](#)

2077437877



go to [Refine Search](#) go to [Results](#)
You asked: *litter+butts and Florida*

Document

Los Ang
[visit publisher](#)

Document Options

- go to - [Best Part](#)
- begin - [New Search](#)
- view - [Printable Copy](#)

Word Lookup

[Go!](#)

- Dictionary
- Thesaurus

Floating Fence Keeps Rain-Filled Creek From Carrying Trash to Sea; Home Edition

Floating Fence Keeps Rain-Filled Creek From Carrying Trash to S
By JOE MOZINGO, SPECIAL TO THE TIMES

Los Angeles Times Saturday September 27, 1997
Home Edition
Metro, Page 1

In the concrete channel of Ballona Creek, a floating fence installed by county workers has saved truckloads of trash from into the ocean with this week's rains.

As the first rainwater in 219 days streamed into the creek o course from the Mid-City area to Dockweiler State Beach, so did cups, plastic bottles, junk food bags and tennis balls.

"This is the first flush," said Stephen Groner, a program ma the county Department of Public Works, which maintains the runo channels.

And it was a messy one.

Although the fence's rope net and steel cables caught the so garbage, toxic substances slipped through, leaving motor oil sw iridescent eddies and pesticides stinking up the surf downstrea

"You can't clean up the worst stuff, the toxic stuff," said "Everyone wants their lawns as green as a putting green. Then i and it all goes into the ocean."

Groner said that swimmers and surfers who venture near storm risk viral infections, flu and skin rashes.

But the fence can at least clean up the appearance of beache said. According to a recent study, Los Angeles County residents the streets with more than a million cigarette butts and 900,00 of trash every month, he said. All of that makes its way throug and storm drains into the channels and ultimately into the ocea

Last year, county work crews picked up 2,100 tons of trash a beaches at an estimated cost of \$7.2 million, Groner said.

Before workers installed the fence, thousands of pieces of p Styrofoam drifted up onto the beaches at the creek outlet.

"This particular catch system worked really well," said coun Lifeguard Lt. Mike Cunningham. "Because the fence is diagonal, moves down the line and over to the side where work crews can p up."

"It's been working off and on," said Cunningham. "If they do the crews to clean it, it starts piling up and going over the t

litter

2077437878

Groner said that while there are fences across other channel county, this location has worked well because of its relatively width and moderate outflow.

Copyright, The Times Mirror Company; Los Angeles Times, 1997.

JOE MOZINGO, Floating Fence Keeps Rain-Filled Creek From Carrying Tras Edition., Los Angeles Times, 09-27-1997, pp B-1.

[Back to Top](#)

NEWSSEARCH

Copyright © 1998 Infonautics Corporation. All rights reserved. - [Terms and Conditions](#)

2077437879


[go to Refine Search](#)
[go to Results](#)

Document

You asked: *litter+cigarettes*

Document Options

go to - [Best Part](#)begin - [New Search](#)view - [Printable Copy](#)

Word Lookup

 [Go!](#)
 Dictionary

 Thesaurus

Dear Genny X // Listen up, cavalier smokers: Every littered butt hurts // Instead of trashing the planet, try an ashtray

(Star Tribune)

Dear Genny X: Why is so much fuss made about smokers and their smoke, but nothing is said about the pollution they make throwing their matches, flicking their ashes and dropping their butts all over the place?

- Jimmy B.

Hey Jim: Secondhand smoke poses a direct health threat to others and is more of an in-your-face offense, whereas a butt on the ground is easy to step over and forget about. As smokers have taken to the streets, filter-tip butts that used to be snuffed out in ashtrays are ending up wedged in the cracks of sidewalks, bobbing in storm sewers, deserted on golf-course greens, strewn in cemeteries and even decomposing in the bellies of whales.

Those little butts aren't that innocuous, however. They are turning into a small-scale urban blight. And peripheral litter from smoking has consequences.

"Cigarette butts are one of the major components of litter on beaches and sewage disposal plants," said Jeanne Weigum of the Association for Non-Smokers Minnesota. "It's not something that breaks down in the normal sewage disposals." It takes seven years for the typical cellulose acetate cigarette filter to disintegrate. And cigarette butts constitute 21 percent of the flotsam in waterways, according to the Center of Marine Conservation.

"We're concerned about any kind of debris winding up in the water when it should be more properly disposed of elsewhere, because it all ends up as an aggregate abuse of water quality," said Ralph Pribble, information officer for the Pollution Control Agency.

Pribble said the issue brings up a bigger educational issue: how to get smokers to regard cigarette butts as litter. "Many people who don't think twice about throwing a cigarette out of a car window or on the street wouldn't ever think of throwing other paper waste out in the same way," he said.

We sit on butts, walk on 'em and swim in 'em. Disposing of cigarette butts in lakes is illegal - as well as aesthetically annoying - but most such detritus is unintentional and comes from rainstorm runoff. "Look at any parking lot, and for some bizarre reason, people think they can dump their whole ashtray in parking lots," said Weigum. "The runoff from the parking lots leads directly into the Mississippi River or our city lakes."

2077437880

Smokes on the water

The Center for Marine Conservation recently announced the result of its 1995 coastal cleanup: Cigarette butts came up No. 1, with volunteers plucking 800,358 of them from 5,870 miles of shoreline. That's about 136 butts a mile. Americans light up about 470 billion filter-tip cigarettes a year - and only 3 percent of all cigarettes smoked are filterless.

Recent laws that have punted smokers out of buildings and restaurants onto street corners may be contributing to the volume of cigarette butts on the streets - whether they're flipped in defiance or laziness, or because there's no handy receptacle.

"It's a real problem," said Jeff Syme of the Metropolitan Council Environmental Services. "I just walked past a bus stop outside, and it was rife with cigarette butts - and they all end up in the sewer."

Weigum is nonplussed with the cavalier attitude of many smokers toward their waste. "I watch people walk out of convenience stores having bought a pack of cigarettes, and right away they take off the gold strip, and the cellophane goes blowing off down the street," she said. "I don't think smokers are prone to being litterbugs, but they end up with something in their hands that's not convenient to dispose of, so they end up flipping it."

Fatal addiction

The flipped cigarette is more dangerous than it might seem. In fact, cigarettes are the most common heat source in fatal fires, according to the National Fire Protection Association. Cigarettes cause one-quarter of all fires, one-third of all fire deaths and half of all hotel fires.

Tobacco in its natural state doesn't keep burning, which is why pipe and cigar smokers must frequently relight. But cigarettes have additives that cause them to keep burning, hot enough to ignite most bedding and upholstery.

To be fair, many smokers are meticulous about picking up their butts and not exhaling all over their nonsmoking friends. The characterization of smokers as an evil societal subgenre smacks of health-conscious fascism. Smokers have enough else to deal with, huddled together in entryways like social lepers.

My unfiltered opinion is that, considering the volume of the problem, smokers need to watch their butts.

- Genny X

- Need advice? To call Genny's voice mail, dial 673-9043. Or fax her at 673-4359.
- Send e-mail to gennyx@startribune.com or write her at 425 Portland

2077437881

Av. S., Minneapolis, MN 55488. Include your name, your alias and your city.

- Sorry, the volume of mail and calls, and Genny's urgent need to shop for ashtrays, preclude individual responses.

- For back copies, call 673-9047, then enter 11 or you'll get a way long recording. You have to know the date, too.

Copyright 1996 Star Tribune. Republished under license to Infonautics Corp. All other rights reserved.

Staff Writer, Dear Genny X // Listen up, cavalier smokers: Every littered butt hurts // Instead of trashing the planet, try an ashtray., Star Tribune, 09-01-1996, pp 04E.

[Back to Top](#)

Copyright © 1998 Infonautics Corporation. All rights reserved. - Terms and Conditions

2077437882



go to [Refine Search](#)

go to [Results](#)

Document

You asked: *litter+butts*

Document Options

go to - [Best Part](#)

begin - [Full Text](#)

view - [Printable Copy](#)

Word Lookup

[Go](#)

Dictionary

Thesaurus

Commentary: The truth that smokers know

(Gannett News Service)

Twice a week when I rolled the garbage can to the curb, I noticed something puzzling: cigarette butts littering the end of my driveway.

It is Received Truth that nobody is more revolted by cigarette detritus than an ex-smoker, so I loathed even seeing the butts, much less picking them up. The drainage in my neighborhood appears to be a junior high science project in progress, so water often pools at the edge of my lawn -- in the very spot where the butts collect, creating a nasty sodden mess.

This went on for months before I discovered the truth, quite by chance.

Thunder had jolted me awake just before daybreak, so I got up, opened the front door and flipped on the driveway lights to see if the newspaper had arrived. And there was the cigarette culprit, caught in the act, guilty as a dog sneaking bacon off a plate. He was a 13-year-old kid from down the street. He had picked my driveway as his place to wait for the school bus because his parents could not see him there.

I did what any woman in sloppy jammies and floppy scuffs would do: I shut the door.

Then I looked out the window and gave him a disapproving frown.

But, oh kid, I owe you so much more. I owe you outrage. I should have marched down the driveway and snatched that cigarette right out of your mouth. I should have seized the pack from your pocket. I should have ignored your surly slouch and lectured you good and hard.

Would it do any good? Perhaps not. Told that something is bad for you, age says: "Give me more information." Youth just says: "Give me more."

When I was growing up, I observed that all the adults in my family had brown stains between their fingers. Had we not lived in North Carolina, I'd have suspected a genetic defect. Instead, I understood that we were good citizens of our state. Tobacco built the university that educated my father, my uncles and me. Tobacco built the medical center that saved my mother's life when 40 years of smoking wore her out. Tobacco built the economy that made North Carolina the rich kid on the block. For years, Georgia, South Carolina and West Virginia were fried chicken in the kitchen while North Carolina was poached salmon at the country club.

People still smoke in supermarkets there. Nobody objects. In North Carolina you do not come to bury tobacco, you come to raise it. In the '50s, my father suspected that filter tips were a Communist plot. To this day he is certain that the liberals got the health warnings put on cigarette packs as a plot to undermine Jessie Helms.

2077437883

Last week, when newscasts announced that Liggett was admitting, at long last, that tobacco was addictive -- and the tobacco company had known it for decades -- my dad, a Chesterfields smoker, got up and turned off the TV.

Smokers do not need to be told about addiction. They know.

When my mother was pregnant with me, she ate for two and smoked for five. On the half-hour trip to the hospital she finished half a pack of Luckies. Her labor lasted 12 hours, most of them in the delivery room, where they wouldn't let her smoke. I've always believed that's why I'm an only child.

Maybe tomorrow I'll get up early and go out to the driveway and say this: I quit smoking on Aug. 20, 1963. Do I still miss 'em? What do you think?

J. Lowe Davis is editor of the Life section at the Pensacola News Journal. Write her at P.O. Box 12710, Pensacola, FL 32574.

Copyright 1997, Gannett News Service, a division of Gannett Co., Inc.

J. LOWE DAVIS, Commentary: The truth that smokers know., Gannett News Service, 03-26-1997, pp arc.

[Back to Top](#)

Copyright © 1998 Infonautics Corporation. All rights reserved. - [Terms and Conditions](#)

2077437884

LEXIS-NEXIS

Look up Supreme Court for the 1st

reQUESTer



[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]

Document 22 of 50.

Copyright 1998 Times Mirror Company
Los Angeles Times

April 23, 1998, Thursday, Orange County Edition

SECTION: Metro; Part B; Page 1; Metro Desk

LENGTH: 566 words

HEADLINE: SMOKER'S DEFENSE REBUTTED BY JURORS;
COURTS: A DANA POINT MAN WHO CLAIMED HIS LIGHTING UP IN A BAR WAS A STAND FOR FREEDOM IS CONVICTED, FINED AND SENTENCED TO PICK UP BUTTS.

BYLINE: GEOFF BOUCHER, TIMES STAFF WRITER

BODY:

In the case of the Dana Point defiant smoker, the defendant wanted the jury to take a stand for personal freedoms and the little guy. But in the end, the jury filtered all that out.

"Excuse the pun, but it was a smoke screen," juror Ann Van der Weide said after she and 11 other nonsmokers found Craig Thomas Etling guilty of disrupting a business with his Jan. 17 tirade at a local bar after he was asked to snuff his Marlboro Light.

Etling was fined \$ 270 and sentenced Wednesday to three days of collecting cigarette butts and other litter from the harbor area near the scene of the misdemeanor crime, Harpoon Henry's bar and restaurant. Orange County Municipal Judge Selim Franklin prefaced the sentencing by saying, "Let the punishment fit the crime."

The 35-year-old computer consultant and pack-a-day smoker was also fined \$ 85 for flouting the state's 4-month-old ban on smoking in enclosed, indoor bars. The prosecutor on the case said Etling is the first Orange County smoker to be busted and among the first statewide.

A jury of four men and eight women deliberated less than an hour before finding Etling guilty of disrupting business at Harpoon Henry's. "They didn't kick him out because he was smoking, they kicked him out because he was a problem," said juror Rose Turi of Laguna Niguel. "He kind of acted like a jerk."

Etling admitted on the witness stand that he ignored posted "No Smoking" signs and openly defied a bartender and manager who politely asked him to put out his cigarette or leave.

Witnesses testified that Etling told a bartender he hoped the bartender would "die from second-hand smoke" and challenged him to a fistfight. Etling then left the bar only to return a short time later, lit up three more cigarettes and lined them up on the bar to smolder, according to testimony.

Deputy Dist. Atty. Paul J. Chrisopoulos told the jurors that Etling was "being obnoxious for the sake of being obnoxious" and that Etling wanted "five minutes of fame" for his antics.

2077437885

Defense attorney Michael B. Stone of Seal Beach argued that his client was "fed up" with laws encroaching on his personal freedoms and that the bar was empty when Etling and friends arrived to order coffee after a day of whale-watching.

The bar employees were the ones responsible for the escalating confrontation and they should have allowed Etling to smoke until someone else complained, Stone said. He told the jurors to ask themselves, "Is there a threshold of pettiness beyond which the law cannot go?"

After the verdict, puffing on a cigarette in the parking lot of the Laguna Niguel courthouse, Etling said he was disappointed but not surprised by the jury's decision. Smokers are being demonized, he said, and his actions were a protest against the bar employees who targeted him and the ban that irks him.

"A different verdict would have made a statement to the Legislature," Etling said.

He said his actions were initially a way to irritate the bar employees but became more symbolic as the tension mounted. "At that point it became a protest. I said to myself, 'I'm not going to take it anymore.' "

Stone said he and his client are mulling an appeal to Etling's conviction of violating the smoking ban. The six-page state law outlining the ban is so "vague and confusing" that it may be unconstitutional on the grounds that it denies citizens due process.

LANGUAGE: English

LOAD-DATE: April 23, 1998

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437886

LUNGREN RECEIVES ANTI-SMOKING AWARD

March 16, 1998

98-042

FOR IMMEDIATE RELEASE

SACRAMENTO -- Attorney General Dan Lungren has been awarded a certificate of appreciation by Action on Smoking and Health (ASH) for his "demonstrated concern about the problems of smoking and the rights of nonsmokers."

ASH is the nation's oldest and largest antismoking organization and is celebrating its 30th anniversary. Over the last 30 years, ASH's actions have helped prohibit cigarette commercials; ban smoking on planes, buses, and many public places; and get the FDA to regulate cigarettes. ASH is supported by tax-deductible contributions from individuals concerned about smoking and protecting the rights of nonsmokers.

Attorney General Lungren was unanimously chosen by ASH's board as a recipient of the special award.

####

[Return to the Attorney General's Press Release Index](#)

2077437887

California Coastal Commission Press Release

Coastal Cleanup Day Presented by Brita Results with 90% of cleanup sites reporting

Californians Turn Out in Drove for Beach Cleanup

(SAN FRANCISCO) September 20, 1997, 6:45 P.M – Close to 50,000 enthusiastic volunteers hit over 600 beaches and shoreline sites this morning, from Mexico to the Oregon border, around San Francisco Bay, and at sites as far inland as Lake Tahoe and the San Joaquin River as they took part in the California Coastal Commission's 13th annual statewide Coastal Cleanup Day, presented by Brita. With about 90% of the cleanup sites reporting, the statewide count stands at 48,224 volunteers, who picked up 435,710 pounds of trash and an additional 48,306 pounds of materials that will be recycled. Last year, 41,346 volunteers picked up 559,833 pounds of trash and 97,548 pounds of recyclables. When the final counts are in, this year's turnout may well surpass the record established in 1993, of 50,504 volunteers.

The huge turnout this year was greatly assisted by Brita Water Filtration Systems, Coastal Cleanup Day's first statewide presenting sponsor. Brita provided extensive pre-event publicity and offered every volunteer a free water filtration pitcher as a thank you for participating in the cleanup. In addition, Brita gave two \$500 awards for the two most unusual items found at the cleanup – one for northern California, and one for southern California. The First Annual Brita Award in northern California was given for a sealed jar filled with two plastic voodoo dolls and a photograph of a man. It was found at Candlestick State Park on San Francisco Bay. In southern California, the prize was for a small wooden coffin for a rat named Jack, complete with bones. It was found in the Upper Newport Bay in Orange County.

"We're really pleased so many people came out to lend a hand," said Peter Douglas, Executive Director of the Coastal Commission. "Not only did they clean our beaches and inland waterways, but they helped spread the message that it is up to each of us to keep them clean throughout the year. We hope their dedication will carry through to the purchase of our new Coastal Protection License Plate."

The Coastal Protection License Plate was developed as an innovative fundraising mechanism to encourage direct public support and involvement in the coastal restoration and enhancement programs of the State Coastal Conservancy and the California Coastal Commission, such as Coastal Cleanup Day. The plate features a beautiful illustration of a whale's tail by the prominent environmental artist Wyland, and is issued by the Department of Motor Vehicles. It costs \$50 more than the usual registration fee for the first year and only \$40 for annual renewal. Call 1-800-COAST-4U for an application, or visit a local DMV.

The Adopt-A-Beach Program is an ongoing, statewide campaign that combines conservation, education, recycling, community involvement and hands-on action to solve the problems of litter and ocean pollution. The program elements include a year-round Adopt-A-Beach program for individuals, corporations, schools and civic organizations: the Save Our Seas' K-12 ocean pollution curriculum and Coastal Cleanup Day.

This year, California Coastal Cleanup Day is presented by Brita Water Filtration Systems, and is sponsored in part by the California Coastal Commission, the California State Parks Foundation, the Center for Marine Conservation, Mammoth Mountain Ski Area, the American Plastics Council, The Irvine Company, Seagate Technology, Starbucks, Foote, Cone and Belding, Saatchi & Saatchi, Sea World, Ford Motor Company, The Gap, UnderWater World, Universal Studios, KGO AM 810 Radio, KRON TV, San Francisco Chronicle, KCBS TV, K-EARTH, San Diego Union Tribune, Bay TV, The Gate and Longs Drugs.

For Further Information Contact:

Becky Steckler
Statewide Coordinator
(415) 904-5210

Judi Shils
Marketing Consultant
(415) 904-5273

Chris Parry
Director of Public Education
(415) 904-5208

California Coastal Commission
45 Fremont St., Suite 2000, San Francisco, CA 94105-2219
FAX: 415 904-5400
e-mail: steckler@coastalcomm.ca.gov

-
- Return to the list of [press releases](#).
 - Check the [totals of trash and recyclables picked listed by California county](#).
 - Return to the Coastal Commission's [home page](#).

2077437889

WHO WE ARE

CENTER FOR MARINE CONSERVATION



The Pacific Regional Office

580 Market Street, Suite 550
San Francisco, California 94104
Telephone: (415)391-6204
Fax: (415)956-7441

Preserving and protecting the rich diverse marine ecosystems of the Pacific is the mission of CMC's Pacific Regional Office. From San Francisco, Pacific staff work on marine wildlife and fisheries and marine ecosystems campaigns in the Pacific Northwest, along the California coast, and in Pacific waters from Hawaii to Mexico.

U.S. Commercial fishers capture and kill up to 10,000 marine mammals and thousands of sea turtles every year.

The Pacific Regional Office activities include, but are not limited to, the following:

Campaign for the Coastal Commission

Created by a vote of the people in 1972, the California Coastal Commission has fulfilled its charge as guardian of the state's incomparable coastal resources. The Commission's strength lies in the professionalism and independence of its staff, led for 11 years by Executive Director Peter Douglas.

When the Commission's board gained a pro-development majority, Douglas became a target. His planned firing was announced quietly as an agenda item for a specially scheduled board meeting. His planned replacement: a political operative with no coastal planning credentials.

The Center for Marine Conservation went into action, countering this backdoor assault on the Commission's integrity with a vocal campaign to support Douglas. We bombarded every major newspaper and coastal activist in the state with a flurry of action alerts, news releases, press advisories, and editorials. The campaign culminated in a rally we staged at the Commission hearings to encourage testimony for strong coastal protections and support for Executive Director



2077437890

Douglas.

CMC's gloves-off counterpunch exposed the Commission's intentions to the glare of national media scrutiny, where they could not survive. Douglas kept his job. More than a show of support for Douglas, this was a campaign for the soul of the influential Coastal Commission and for the future of California's coast. Further evidence of its success came with the election of pro-coastal legislators in tight races several months later.

Support for the Monterey Bay Marine Sanctuary. The Pacific office heads CMC's work on behalf of the Monterey Bay National Marine Sanctuary. In 1997 we launched a Citizen's Water Quality Monitoring Network to involve the public in watching over waterways that feed into the sanctuary and to help prevent runoff-borne pollution. Future workshops will train monitoring groups and promote the role of citizen monitoring as a highly valued, cost-effective tool in addressing water pollution problems in the sanctuary, and in the region's watersheds.

BAYNET, our volunteer docent network for the sanctuary, garnered official proclamations from the cities of Monterey and Pacific Grove and the "citizen award" from the Association of Monterey Bay Area Governments. Since 1995 BAYNET has trained 89 volunteers who have donated more than 2,500 hours of service and shared sanctuary information along the shores of the Monterey Peninsula with more than 35,000 people. Plans call for expansion of BAYNET to San Luis Obispo County, for education about a recently established colony of elephant seals, and north to Santa Cruz, for promotion of sanctuary stewardship.

Return to [Regional Offices](#).

[Who We Are](#) | [Our Blue Planet](#) | [What Can I Do?](#)
[Wading Pool for Kids](#) | [Library & Reference](#)

[Home](#) | [Search](#) | [Site Map](#)

© 1998 All rights reserved.

2077437891



California Coastal Commission

45 Fremont Street, Suite 2000, San Francisco, CA 94105-2219 (415) 904-5200

WHO WE ARE

Here is a general overview of who we are and what we do:

The Coastal Commission was established by voter initiative in 1972 (Proposition 20) and made permanent by the Legislature in 1976. The mission of the Commission, as the lead agency responsible for carrying out California's coastal management program, is to plan for and regulate development in the coastal zone consistent with the policies of the California Coastal Act

The Commission is also the designated State coastal management agency for the purpose of administering the federal Coastal Zone Management Act in California. The federal Act gives the Commission authority over federal activities otherwise not subject to State control. The policies of the Coastal Act deal with public access to the coast, coastal recreation, the marine environment, coastal land resources, and coastal development of various types, including energy facilities, ports, and other industrial development.

* Organization

The Commission is an independent entity of 16 members, 12 voting and four nonvoting. The Governor, the Senate Rules Committee, and the Speaker of the Assembly with confirmation of the Assembly Rules Committee each appoints two public members and two locally elected officials. The four nonvoting members are the Secretary for Resources; Secretary for Business, Transportation and Housing; Secretary for Trade and Commerce; and Chairperson of the State Lands Commission. The Commission appoints an executive director who is responsible for hiring and managing a staff of about 115 under the State's civil service system.

The Commission's headquarters office is located in San Francisco; while area offices are located along the coast in Santa Cruz, Ventura, Long Beach and San Diego, making it convenient for the Commission staff to visit proposed development sites and interact with the public, coastal local governments, and other agencies. Additionally, a small legislative/intergovernmental coordination office is located in Sacramento, making contact with the Legislature and other state agencies convenient.

* Commission Meetings

The Commission holds public meetings for three to four days each month where the Commissioners take public testimony and make permit, planning, and other policy decisions to implement the Coastal Act. Prior to each meeting, the Commission staff collects and analyzes information pertinent to the Commission's meeting agenda and prepares staff reports with recommendations to the Commissioners for action.

* **Public Participation**

The Commission's business requires active and frequent communications with the public, local governments, and state and federal agencies. The Commission's primary constituencies include coastal local governments; industrial ports; development interests needing coastal permits; national, statewide, regional and community-based environmental organizations; special districts; state agencies; federal agencies; universities; utilities and other energy companies; tourist industry; recreation organizations; sport and commercial fishing industries; and shipping interests.

* **Key Statutory Responsibilities**

Development within the coastal zone may not commence until a coastal development permit has been issued by either the Commission or a local government that has a Commission-certified local coastal program.

The coastal zone (a specifically mapped area established by the Legislature, which is larger than the State of Rhode Island) extends three miles seaward and generally about 1,000 yards inland. In particularly important and generally undeveloped areas where there can be considerable impact on the coastline from inland development, the coastal zone extends to a maximum of 5 miles inland from mean high tide line. In developed urban areas, the coastal zone extends substantially less than 1,000 yards inland. The Coastal Commission's jurisdiction does not extend into or around San Francisco Bay, where development is regulated by the San Francisco Bay Conservation and Development Commission.

In order to carry out the policies of the Coastal Act, each of the 73 cities and counties in the coastal zone is required to prepare a local coastal program (LCP) for the portion of its jurisdiction within the coastal zone and to submit the LCP to the Commission for certification. An LCP includes a land use plan (LUP) which is the relevant portion of the local general plan, including any maps necessary to administer it, and the zoning ordinances, zoning district maps, and other legal instruments necessary to implement the land use plan. The policies specified in the Coastal Act are the standards by which the Commission judges LCPs for their adequacy.

Certified LUPs and LCPs may be amended by local governments, but the amendments do not become effective until approved by the Commission. Additionally, the Commission is required to review each certified LCP at least once every five years to ensure LCPs are implemented properly and are still in compliance with the Coastal Act.

Any new development in areas of the Commission's original jurisdiction - the tide and submerged lands as well as other public trust areas along the coast - can only be granted a coastal development permit by the Commission.

Some permit decisions of local governments may be appealed to the Commission, even after LCP certification. An appealed local permit decision is stayed until the Commission acts on the appeal.

The Commission is the only state agency with the authority to conduct a regulatory overview (federal consistency review) of any federal agency's action that could affect California's coastal resources (e.g., outer continental shelf oil and gas leasing, exploration, and development; Environmental Protection Agency's designation of dredge material disposal sites in the ocean; and military base projects).

The Commission must review and act on all port master plans and any amendments to them. Port master plans are required for the industrial ports of Hueneme, Los Angeles, Long Beach, and San Diego. The Commission's approval is necessary to allow port expansions to meet future growth needs. A similar requirement applies to land areas of universities in the coastal zone (e.g., the University of California campuses at Santa Cruz, Santa Barbara, and San Diego; Pepperdine University; and San Diego State University).

Under recent amendments to the federal Coastal Zone Management Act, the Commission and the State Water Resources Control Board are preparing a Coastal Nonpoint Source Water Pollution Control Program.

The Commission also implements a Coastal Access Program and maintains a Coastal Resource Information Center.

● [Return to the California Coastal Commission Home Page](#)

Last updated 11/6/95.

2077437894



California Coastal Commission

Addresses and Telephone Numbers

Office	Address	Telephone Number	Fax Number
Headquarters	45 Fremont Street Suite 2000 San Francisco, CA 94105-2219	(415) 904-5200	(415) 904-5400
North Coast	45 Fremont Street Suite 2000 San Francisco, CA 94105-2219	(415) 904-5260	(415) 904-5400
Central Coast	725 Front Street Suite 3000 Santa Cruz, CA 95060-4508	(408) 427-4863	(408) 427-4877
South Central Coast	89 South California Street Suite 200 Ventura, CA 93001-2801	(805) 641-0142	(805) 641-1732
South Coast	200 Oceangate 10th Floor Long Beach, CA 90802	(562) 590-5071	(562) 590-5084
San Diego Coast	3111 Camino Del Rio North Suite 200 San Diego, CA 92108-1725	(619) 521-8036	(619) 521-9672
<u>Legislative Office</u>	926 "J" Street Suite 416 Sacramento, Ca 95814	(916) 445-6067	(916) 324-6832

Do you need directions to one of our offices?
Make note of the address and zipcode above.
Then go to the link we provide here to [Yahoo! Maps](#). Fill out the form with this information and it will provide you with a map or (on that same page) follow the link to "point-to-point driving directions".

● [Return to California Coastal Commission Home Page](#)



California Coastal Cleanup Day

Saturday, September 19, 1998

a statewide annual shoreline cleanup
in which all Californians can
participate

Call 1 (800) COAST-4U or
(415) 904-5210

Coastal Cleanup Day
presented by  **BRITA**

We are pleased to welcome our first
statewide presenting sponsor, Brita Water
Filtrations Systems.

On Coastal Cleanup Day, Saturday, September 19, 1998, residents from across the state (like the kids pictured here) will pull together as one community in a massive effort to maintain our shoreline as the jewel of our Golden State.

Tens of thousands of volunteers will take to the beaches from San Diego to the Oregon border, to the lake front of Lake Tahoe, to the shorelines of inland creeks and rivers of Sacramento, Fresno, and other waterways throughout California.

The common thread will be their individual and active commitment to maintaining the beauty and well-being of California's streams, rivers and ocean and protecting animals from the hazards of marine debris.

In 1997, 50,000 Californians picked up a half million pounds of garbage and 48,000 pounds of recyclables. We pulled from our shores mounds of plastic, hundreds of tires, and a parking lot worth of cars. We even pulled out a cement truck!

The collected data is a powerful voice for conservation. Our cleanup is part of an international effort involving all 50 states and 90 countries. 1998 promises to be even bigger. We have expanded our cleanup now to every continent including Antarctica - and



yes, there is trash there too!

Join us for the annual statewide Coastal Cleanup Day on Saturday, September 19, 1998, organized by the California Coastal Commission's **Adopt-A-Beach Program** and supporting organizations throughout the state. By cleaning up, collecting data on what you find, and recycling, you'll demonstrate that environmental stewardship protects our coast and waterways and is everyone's responsibility.

-
- Find out about how to get involved in California Coastal Cleanup Day presented by Brita, 1998!
 - Find out about the International Coastal Cleanup Day organized by the Center for Marine Conservation.
 - Find out the results from Coastal Cleanup Day 1997.
 - For more information, e-mail Becky Steckler, Outreach Coordinator at steckler@coastalcomm.ca.gov.
 - Go to the California Coastal Commission home page.

A heartfelt thanks to all of the sponsors of Coastal Cleanup Day.

Thanks to Kyrsten Brooker for her Coastal Cleanup Day 1997 poster art shown in miniature at the top left of this page.

2077437897

Aug. 22 - Sept. 2, 1997
 HOME | ABOUT | HELP
 SEND US YOUR COMMENTS
 ◀PREV INDEX NEXT▶

GuideStar
FEATURED NONPROFIT
Surfrider Foundation

22 S. El Camino Real 67
 San Clemente, CA 92672
 Phone: 714-492-8170
 Fax: 714-492-8142
 Contact John Hoskinson for assistance

Surfrider Foundation
 122 S. El Camino Real 67, San Clemente
 Public Char. Organization established in 1984

TEV: K5-26418M
 Director: Mr. Peter Flynn
 Contact Person: Mr. John
 Phone: (714) 492-8170
 Fax: (714) 492-8142
 Telephone: Mr. Hoskinson
 Geography: South: CA
 Funding: Charitable

PURPOSE:
 Includes:
 Includes:
 Includes:

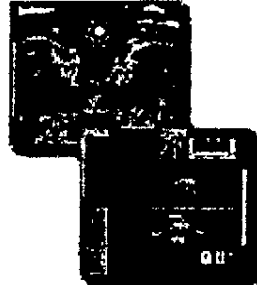
VIEW REPORT

Performance Monitoring
 All income and expenses are monitored by Surfrider's staff, its 15-member volunteer board, which meets quarterly, and an independent audit firm, Frazer and Torbett. Analysis reports are prepared monthly to review activity and results. Surfrider's Environmental Issue Team, comprised of 40 scientists, doctors, and geologists from throughout the nation, monitor the organization's policies and positions on environmental issues during monthly meetings and Internet discussions. The Legal Issues Team, comprised of over 50 attorneys from across the country, provides legal counsel and compliance monitoring.

Disclaimer: GuideStar relied on the Surfrider Foundation for this information. GuideStar cannot attest to its accuracy.



MOM II CD



Making Waves to Save our Oceans

Outraged by California water quality reports that recommend avoiding the water for 72 hours after a rain because of pollution and harmful bacterial levels, Glenn Hening, a surfer, and his friends started The Surfrider Foundation. Since 1984, the Foundation has been dedicated to protecting the world's oceans and beaches through activism, education, and research.

Headquartered in San Clemente, California, Surfrider is a grassroots environmental organization with 25,000 members, 34 local U.S. chapters, and affiliates in Australia, Japan, France, Brazil, and Canada.

The Surfrider Foundation Programs

Surfrider works to protect the coast and educate through its four principal programs Respect the Beach, the Blue Water Task Force, the Assistance Fund, and the Snowrider Project.

Respect the Beach is an educational slide-show and video program presented in public schools nationwide by professional surfers, student peers, and Surfrider spokespeople. The foundation also produces an award-winning Web site located at <http://www.surfrider.org>.

The Blue Water Task Force is comprised of local beach users who monitor coastal pollution. Dr. Scott Jenkins, a coastal researcher of Scripps Institute of Oceanography, launched the Task Force in 1991, to record the extent of non-point source pollution.

Blue Water Task Force reports have been integrated into various cities' water testing programs and utilized to strengthen legislation intended to protect coastal waters and to educate politicians and citizens on coastal water quality issues.

The program also provides resource materials to educate school kids about water quality issues including a "hands-on" water-testing project that teaches students about pollution effects on the water cycle and waste management.

In addition, the Task Force oversees Beach Scape, a beach

2077437898

mapping project that details wave sites, pollution outfalls, beach access trails, beach erosion, and coastal wetlands throughout the country.

The Assistance Program aids people in need. The program provides food and clothing to disadvantaged people in Mexico. After hurricanes destroyed much of Kauai, North Carolina, and Southern Florida, Surfrider chapter members provided food, shelter, and clothing, and helped rebuild homes damaged by the storms.

The new **Snowrider Project** is an educational program that targets skiers and snowboarders. Originated last year, the program emphasizes the effects of the hydro-logic cycle. Because the earth is a closed circle and its water is recycled through time, any pollution in the mountains will flow back into the river, streams, and oceans. In partnership with snowboard and ski equipment companies, Snowriders provides information to skiers and snowboarders on how they can help keep the environment clean.

Preserving the Coastal Zones

The Surfrider Foundation works to preserve coastal areas for all people to enjoy. The group wants to protect a number of world-renowned surf spots, including the famous Maalaea Pipeline and Waimaea Bay, Hawaii, which are threatened by over-development. Surfrider is also working to ensure public access to beaches in:

- Los Angeles, Santa Barbara and Point Reyes, California
- Gateway National Park, California
- Long Island, New York
- Outer Banks, North Carolina
- Virginia Beach, Virginia
- Palm Beach, Florida.

Surfrider's Music

On August 26, 1997, Surfrider released its second **Music for Our Mother Ocean** music CD to raise awareness and money for its environmental work. Musicians providing cuts for the CD include Jewel, Pearl Jam, Dishwalla, Mighty Mighty Bosstones with the Petasters, and Jimmy Buffet.

Accomplishments

The Surfrider Foundation has been successful in winning lawsuits, educating the public, and preserving threatened coastlines. Their accomplishments include:

- Winning the second largest Clean Water Act suit in American history in 1991, brought against two pulp mills in Humboldt County that were charged with over 40,000 violations of the law
- Restoring natural dunes habitat located along the Outer Banks, North Carolina coast
- Creating a renowned water-quality lab in Santa Cruz, run by volunteer support and interns from UC Santa Cruz

Growing Membership

Surfrider now has 25,000 members. Last year, the organization more than doubled its active chapters on the East, West, and Gulf

2077437899

Coasts. This year Surfrider hopes to double its membership by taking a more aggressive approach to reaching beyond the surf culture to swimmers, divers, bodyboarders, kayakers, and beach enthusiasts.

Surfrider hopes to gain additional members by developing small and major events during the 1998 International Year of the Ocean, a yearlong celebration of the ocean.

Members receive Surfrider's award-winning bimonthly newsletter, "Making Waves," and periodic bulletins about ongoing Surfrider projects and activities.

Financial Support

The Surfrider Foundation receives more financial support from its individual members than from any other source. Surfrider also receives support from philanthropic foundations, private sector companies, estates, employee groups, and other entities.

Interested persons may find out more about Surfrider Foundation at, or by calling 1-800-743-SURF. The Music for Our Mother Ocean CD sells for \$15.95 and can be ordered by calling 714-492-8170.

[\[Home\]](#) [\[Search\]](#) [\[About\]](#) [\[Help\]](#) [\[News\]](#) [\[This Week\]](#) [\[Just for Nonprofits\]](#) [\[Philanthropy 101\]](#) [\[Comments\]](#)

2077437900



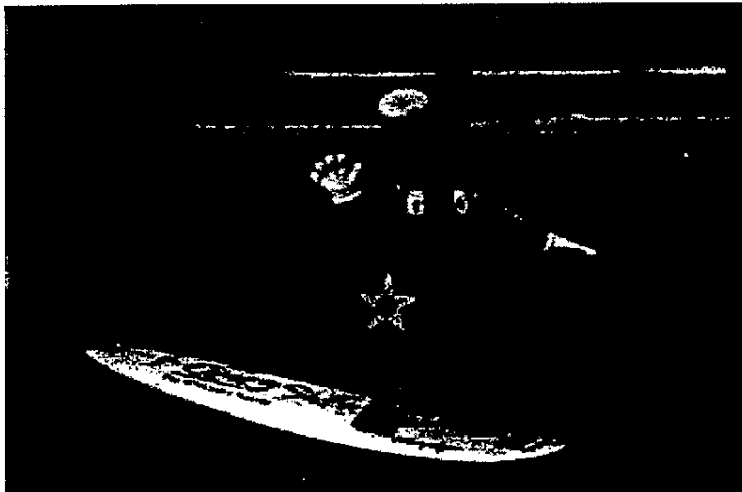
I Love a Clean San Diego

I Love A Clean San Diego (ILACSD) is a non-profit environmental education organization founded in 1954. ILACSD works with the public and private sectors to provide educational events and programs for residents throughout San Diego.

- News Flash
- Programs
- Volunteers
- Recycling Info.
- Teacher's Page
- Calendar
- Membership
- Awards
- Trivia
- Board
- Donate to ILACSD
- Email



4355 Ruffin Road, Suite 118
 San Diego, CA 92123
 Phone: (619) 467-0103
 Recycling Hotline: (619) 467-0903 or (800) 237-2583
 Fax: (619) 467-1314
 Email: ilacsd@cts.com



2077437901



Surfrider Chapters

[[home](#) | [about](#) | [chapters](#) | [education](#) | [culture](#) | [membership](#) | [catalog](#)]

[Contact info page](#) for the 39 Surfrider USA Chapters.

[Info on Surfrider's International Chapters.](#)

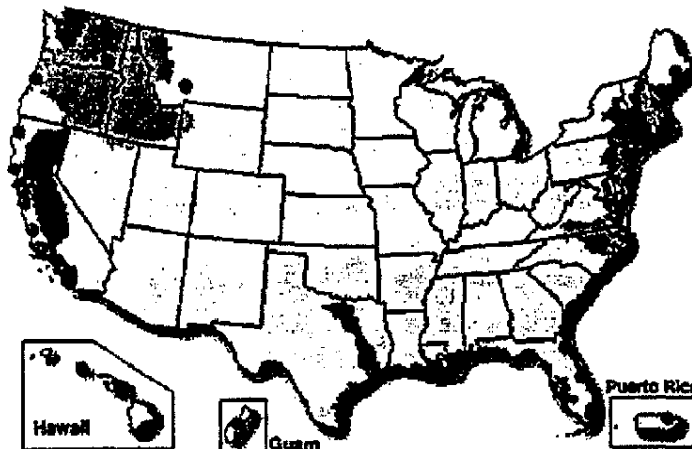
The Surfrider Foundation chapters are the heart, soul and body of the Surfrider Foundation. There are now over 39 Surfrider chapters located along the East, West, Gulf, Hawaiian and Puerto Rican coasts. Within their own local coastal communities, the grassroots Surfrider chapters pursue the Surfrider mission of protecting the coast. Become a Surfrider member and help out at the chapters, too. Many Surfrider Chapters having their own individual Web sites which are denoted by a * below.

Surfrider Foundation USA Chapter Locations

(a * indicates a link to the individual Chapter Web site)

West Coast

- *NW Washington
- Walla Walla, WA
- *Oregon
- Bozeman, MT
- *Humboldt
- *North Coast CA
- *San Francisco
- San Mateo County
- *Santa Cruz
- Monterey
- *San Luis Bay
- *Santa Barbara
- *Isla Vista, CA
- *Ventura
- *Malibu
- *South Bay (LA)
- *Huntington/Long Beach
- *Newport Beach
- Laguna Beach
- *San Clemente
- *San Diego



East Coast

- Portland, ME
- Ogunquit, ME
- *Massachusetts
- *New Jersey
- New York
- *Washington, DC
- Virginia Beach
- *Outer Banks
- Cape Fear, NC
- St. Augustine, FL
- Gainesville, FL
- *Sebastian Inlet
- *Palm Beach County
- South Florida

Islands

- Puerto Rico
- Guam
- Maui, HI
- *Oahu, HI

About the map: This map was derived from a map of estuarine watersheds published by the EPA as part of the National Estuary Program. The colored areas show the extent of the watersheds for estuaries that are part of this program. The islands are not to scale!

2077437902



Surfrider Foundation USA:
122 S. El Camino Real #67
San Clemente, CA 92672
tel: (949) 492-8170
fax (949) 492-8142

Email addresses:
Membership: mmate@surfrider.org
Chapter Issues: emazzarella@surfrider.org
Legal Issues: mkremer@surfrider.org
Catalog: jwright@surfrider.org
Website Staff: mbabski@surfrider.org
All other issues: info@surfrider.org

Search

Copyright © 1998 Surfrider Foundation
All rights reserved

2077437903

2077437904

Florida

Laws on the Books

Florida references cigarettes and litter in its general litter laws.

Florida Litter Law Definition (Section 403.413): any garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Penalty For Littering Defined: a noncriminal infraction punishable with a \$50 fine. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed. If someone is injured or sustains damages as a result of another persons having littered the crime changes to a felony and the injured person is entitled to actual damages for the injury sustained or \$200.00 whichever amount is greater. In addition the person who littered is required to pay court costs and attorney's fees¹.

State Legislative Activity

No pending legislative proposals could be identified in Florida.

Local Legislative Initiatives

Naples: Smoking ban was proposed in parks another public area. The basis of the ban was to control the litter problem. Originally the Naples city council expressed support for an ordinance that would prohibit smoking at city parks and on the fishing pier. The ban was voted on September 9, 1997. The measure failed 4 to 1.

Orange County: Smoking is barred at many of the county beaches, trails and ball parks. The ban was established as a rule set by the Orange County Parks and Recreation Department, rather than as a county ordinance adopted by commissioners. As a result, the ban does not carry specific penalties. County park managers will be under orders to encourage violators to not smoke in banned areas. As a last resort, managers will call a deputy sheriff to cite violators for trespassing or another general violation. By October part or all of 14 parks will be off-limits to smoking. The list is expected to grow to include more of the county's 26 parks and recreation areas staffed by county workers².

¹ Florida Litter Law, www.leg.state.fl.us/citizen.

² Kevin Spear, Smoking In County Parks To Be Against The Rules, Orlando Sentinel, June 27, 1997.

Key Groups, Programs and Projects

Center For Marine Conservation (CMC), BeachSweep: CMC has a strong presence in Florida with a regional office in St. Petersburg on the Gulf Coast and a field office in Key West³. The St. Petersburg office coordinates the annual Florida Coastal Cleanup held each year in September. This year scheduled for September 19, 1998.

CMC also partners with Keep Florida Beautiful and the Florida Coastal Management Program. In 1997, 30,000 volunteers collected 1,227 tons of trash in Florida during the Keep Florida Beautiful Event. In the 1997 Florida Hillsborough Cleanup Challenge 4,000 volunteers collected 26,000 pounds of trash in Hillsborough county alone⁴. Florida ranks 2nd in coastal clean-up volunteers and 3rd in total trash collected⁵.

Surfrider Foundation USA: Sponsors and education campaign, "Hold Onto Your Butt! The Beaches and Street Are Not Your Ashtray." Established in 1984 the foundation has been dedicated to protecting the world's oceans and beaches through activism, education, and research. The foundation has its headquarters in San Clemente, California. Surfrider is a grassroots environmental organization with 25,000 members, 34 local U.S. Chapters including chapters in Florida, Hawaii, and Massachusetts. Surfrider receives financial support from individual members, philanthropic foundations, private sector companies, estates, employee groups, and other entities⁶.

Earth Force Youth Summit: On May 12, 1998, Florida hosted the first Earth Force Youth Summit. More than 400 of South Florida's youngest environmentalists cleaned up cups, cigarette butts, and plastic bags in Palm Beach, Broward and Martin counties⁷.

Private Citizen: A Florida entrepreneur in Fort Walton Beach has developed two products to tackle the cigarette butt litter problem. The first product the "Smoker's Sidekick" is a portable ashtray that goes anywhere and sells for \$19.95. The second product is the "Smoker's Outpost" a receptacle designed in the shape of a genie bottle that can be placed outside the workplace or on the home patio. The receptacle extinguishes the cigarette butt once its dropped inside. The container will hold thousands of butts and is reportedly easy to clean. Both of these products are available via catalogue at CSL Inc. Environmental Products⁸.

³ Center for Marine Conservation, www.cmc-ocean.org/1_ac/15_regionaloffices.html

⁴ Lenora Lake, Project Means Bay Area To Get A Spring Cleaning, 04-21-1998, www.lexis.nexie.com/requester.

⁵ www.lexis-nexis.com/requester, May 25, 1997, New VA Bill To Deal With Harassment.

⁶ Making Waves to Save Our Oceans, www.guidestar.org/feature/feat0011.html

⁷ Robin Fields, Students To Share Environmental Ideas, 05-10-1998,lexis-nexis.

⁸ Woman Entrepreneur Helps Clear the Air In Smoking Wars, 03-10-1998,www.lexis-nexis.com/requester

2077437906

403.413 Florida Litter Law.--

(1) **SHORT TITLE.**--This section may be cited as the "Florida Litter Law."

(2) **DEFINITIONS.**--As used in this section:

(a) "Litter" means any garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

(b) "Person" means any individual, firm, sole proprietorship, partnership, corporation, or unincorporated association.

(c) "Law enforcement officer" means any officer of the Florida Highway Patrol, a county sheriff's department, a municipal law enforcement department, a law enforcement department of any other political subdivision, the department, or the Game and Fresh Water Fish Commission. In addition, and solely for the purposes of this section, "law enforcement officer" means any employee of a county or municipal park or recreation department designated by the department head as a litter enforcement officer.

(d) "Aircraft" means a motor vehicle or other vehicle that is used or designed to fly but does not include a parachute or any other device used primarily as safety equipment.

(e) "Commercial purpose" means for the purpose of economic gain.

(f) "Commercial vehicle" means a vehicle that is owned or used by a business, corporation, association, partnership, or sole proprietorship or any other entity conducting business for a commercial purpose.

(g) "Dump" means to dump, throw, discard, place, deposit, or dispose of.

(h) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor, or semitrailer combination or any other vehicle that is powered by a motor.

(i) "Vessel" means a boat, barge, or airboat or any other vehicle used for transportation on water.

(3) **RESPONSIBILITY OF LOCAL GOVERNING BODY OF A COUNTY OR MUNICIPALITY.**--The local governing body of a county or a municipality shall determine the training and qualifications of any employee of the county or municipality or any employee of the county or municipal park or recreation department designated to enforce the provisions of this section if the designated employee is not a regular law enforcement officer.

(4) **DUMPING LITTER PROHIBITED.**--Unless otherwise authorized by law or permit, it is unlawful for any person to dump litter in any manner or amount:

(a) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor. When any litter is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section;

(b) In or on any freshwater lake, river, canal, or stream or tidal or coastal water of the state, including canals. When any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, shall be deemed in violation of this section; or

2077437907

(c) In or on any private property, unless prior consent of the owner has been given and unless such litter will not cause a public nuisance or be in violation of any other state or local law, rule, or regulation.

(5) DUMPING RAW HUMAN WASTE PROHIBITED.--Unless otherwise authorized by law or permit, it is unlawful for any person to dump raw human waste from any train, aircraft, motor vehicle, or vessel upon the public or private lands or waters of the state.

(6) PENALTIES; ENFORCEMENT.--

(a) Any person who dumps litter in violation of subsection (4) in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes is guilty of a noncriminal infraction, punishable by a civil penalty of \$50. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.

(b) Any person who dumps litter in violation of subsection (4) in an amount exceeding 15 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds in weight or 100 cubic feet in volume and not for commercial purposes is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the court shall require the violator to pick up litter or perform other community service commensurate with the offense committed. Further, if the violation involves the use of a motor vehicle, upon a finding of guilt, whether or not adjudication is withheld or whether imposition of sentence is withheld, deferred, or suspended, the court shall forward a record of the finding to the Department of Highway Safety and Motor Vehicles, which shall record a penalty of three points on the violator's driver's license pursuant to the point system established by s. 322.27.

(c) Any person who dumps litter in violation of subsection (4) in an amount exceeding 500 pounds in weight or 100 cubic feet in volume or in any quantity for commercial purposes, or dumps litter which is a hazardous waste as defined in s. 403.703, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the court may order the violator to:

1. Remove or render harmless the litter that he or she dumped in violation of this section;
2. Repair or restore property damaged by, or pay damages for any damage arising out of, his or her dumping litter in violation of this section; or
3. Perform public service relating to the removal of litter dumped in violation of this section or to the restoration of an area polluted by litter dumped in violation of this section.

(d) A court may enjoin a violation of this section.

(e) A motor vehicle, vessel, aircraft, container, crane, winch, or machine used to dump litter that exceeds 500 pounds in weight or 100 cubic feet in volume is declared contraband and is subject to forfeiture in the same manner as provided in ss. 932.703 and 932.704.

(f) If a person sustains damages arising out of a violation of this section that is punishable as a felony, a court, in a civil action for such damages, shall order the person to pay the injured party threefold the actual damages or \$200, whichever amount is greater. In addition, the court shall order the person to pay the injured party's court costs and attorney's fees. A final judgment rendered in a criminal proceeding against a defendant under this section estops the defendant from asserting any issue in a subsequent civil action under this paragraph which he or she would be estopped from asserting if such judgment were rendered in the civil action unless the criminal judgment was based upon a plea of no contest or nolo contendere.

(g) For the purposes of this section, if a person dumps litter or raw human waste from a commercial vehicle, that person is presumed to have dumped the litter or raw human waste for commercial purposes.

2077437908

(h) In the criminal trial of a person charged with violating this section, the state does not have the burden of proving that the person did not have the right or authority to dump the litter or raw human waste or that litter or raw human waste dumped on private property causes a public nuisance. The defendant has the burden of proving that he or she had authority to dump the litter or raw human waste and that the litter or raw human waste dumped does not cause a public nuisance.

(i) It shall be the duty of all law enforcement officers to enforce the provisions of this section.

(j) Any person who violates the provisions of subsection (5) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; provided, however, that any person who dumps more than 500 pounds or more than 100 cubic feet of raw human waste, or who dumps any quantity of such waste for commercial purposes, is guilty of a felony of the third degree, punishable as provided in paragraph (c).

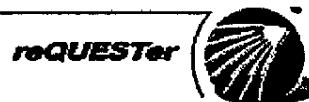
(7) ENFORCEMENT BY CERTAIN COUNTY OR MUNICIPAL EMPLOYEES.--Employees of counties or municipalities whose duty it is to ensure code compliance or to enforce codes and ordinances may be designated by the governing body of the county or the municipality to enforce the provisions of this section. Designation of such employees shall not provide the employees with the authority to bear arms or to make arrests.

(8) ENFORCEMENT OF OTHER REGULATIONS.--This section does not limit the authority of any state or local agency to enforce other laws, rules, or ordinances relating to litter or solid waste management.

History.--ss. 1, 2, 3, 4, 4A, ch. 71-239; s. 1, ch. 75-266; s. 1, ch. 77-82; s. 1, ch. 78-202; s. 7, ch. 80-382; s. 1, ch. 82-63; s. 1, ch. 88-79; s. 56, ch. 88-130; s. 12, ch. 89-175; s. 14, ch. 89-268; s. 1, ch. 90-76; ss. 16, 17, ch. 91-286; s. 378, ch. 94-356; s. 1, ch. 95-165; s. 11, ch. 97-103.

2077437909

LEXIS-NEXIS



[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)

Document 49 of 50.

Copyright 1997 Sentinel Communications Co.
THE ORLANDO SENTINEL

June 27, 1997 Friday, METRO

SECTION: LOCAL & STATE; Pg. D1

LENGTH: 426 words

HEADLINE: SMOKING IN COUNTY PARKS TO BE AGAINST THE RULES;

BYLINE: By Kevin Spear of The Sentinel Staff

BODY:

Orange County soon will bar cigarette smoking at many of its public beaches, trails and ballparks in the most extensive park butt ban in Florida.

An outdoor smoking ban for parks and recreation areas, coming amid battles between states and the tobacco industry, will take effect gradually through this fall.

"We're not going to get heavy-handed with this," said Lorenzo Williams, assistant manager of county parks and recreation. "The intent is to make sure that everyone visiting has a pleasant and enjoyable experience."

The ban was established as a rule set by the Orange County Parks and Recreation Department, rather than as a county ordinance adopted by commissioners.

As a result, the ban does not carry specific penalties.

County park managers will be under orders to encourage violators to not smoke in banned areas.

As a last resort, managers will call a deputy sheriff to cite violators for trespassing or another general violation, Williams said.

Smoking advocates said there is no reliable research showing that outdoor smoking bans, such as those already adopted by communities in California and Massachusetts, protect the health of nonsmokers.

"It shows how far anti-smoking prohibition has gone," said Thomas Lauria, a spokesman for the Tobacco Institute, an industry-financed group. "It's a piling-on in the (anti-smoking) atmosphere these days."

By October, the Parks and Recreation Department expects to have declared part or all of 14 parks off-limits to smoking. The list is expected to grow to include more of the county's 26 parks and recreation areas staffed by county workers.

2077437910

Sites for smoking bans have been chosen through recommendations by park and recreation managers, public comment and a park advisory committee.

Included in the list of parks is the popular West Orange Trail, where some areas of the skating and biking trail will be designated to allow smokers to light up.

Also set for bans are trails and shelters at Tibet-Butler Preserve, bleachers and ball fields at Bithlo Park, and beaches at Warren Park.

Although the smoking ban is designed primarily to protect visitors from secondhand smoke, a park manager in South Florida said Orange County will realize a second benefit - fewer **cigarette butts** on the ground.

"Butts are one of the worst things we have to deal with," said Randy Phillips, Palm Beach County parks director and president of the Florida Institute of Parks Personnel. "The problem with smokers is that many of them throw their butts down wherever they finish their cigarettes."

LANGUAGE: ENGLISH

LOAD-DATE: June 27, 1997

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437911

LEXIS-NEXIS

reQUESTer

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)**Document 1 of 50.**

Copyright 1997 Stuart News Company
The Stuart News / Port St. Lucie News (Stuart, FL)

May 25, 1997, Sunday

SECTION: Local; Pg. C2

LENGTH: 596 words

HEADLINE: NEW VA BILL TO DEAL WITH HARASSMENT

BYLINE: Jennifer Maddox Letter from Washington

BODY:

WASHINGTON - A group of legislators wants to avoid another debacle in the Veterans Administration such as the recent one in which a North Carolina administrator accused of sexual harassment was transferred to Florida instead of being investigated.

The problem was that, as administrator of the Fayetteville, N.C., medical facility, Jerome Calhoun was responsible for investigating harassment complaints. Faced with the dilemma, the VA simply moved him to the Bay Pines VA hospital in St. Petersburg, said Sen. Bob Graham. The incident was the final straw after five years of the VA promising to do something meaningful to rid its ranks of harassers.

By its refusal to address the problem, "the VA has demonstrated that Congress needs to intervene," Graham said at a press conference Thursday. He and several colleagues in the House introduced a bill that would establish a central office for harassment complaints from VA facilities, taking the investigative duties away from supervisors who might be implicated.

Florida's coastlines glistened a little brighter after September's Coastal Cleanup picked 345,000 pounds of garbage from U.S. shores, said a study released last week.

Nearly 30,000 people combed 834 miles of Florida beaches at 538 cleanup sites, reported the Center for Marine Conservation in Washington, which coordinated the U.S. effort for the international event.

The number of volunteers throughout the state ranked second only to California, and third in the amount of trash collected behind California and North Carolina. In all, nearly 3 million pounds of trash were removed from U.S. shores.

The most unusual finds reported across the nation were a weather balloon, a bag of coconuts, an airplane propeller, a wedding ring and a voodoo doll. ~~Cigarette butts, on the other hand, were the most~~ pervasive pollutant, accounting for 17.6 percent of the trash in Florida and 16 percent nationwide. The top "dirty dozen" in Florida included all forms of plastic, from bags to bottles, to straws and cups.

2077437912

Most troubling nationwide were the animals found entangled in the junk, the study reported. Volunteers found 186 animals caught in debris, mostly discarded nets and fishing line, for the most animal entanglements in the cleanup's 11-year history.

"Rice on the range"

Florida cuisine last week got to put its stamp on the message that rice isn't just a dull companion to meat and vegetables anymore.

During a culinary extravaganza presented by American Rice in the National Post Office Museum on Wednesday, diners tasted an array of food that included crab cakes, doughnuts, squash blossoms and wheatberry creations, featuring rice as the main ingredient.

"The idea is to highlight the diversity of rice as a gourmet food ingredient," said American Rice spokesman Lawrence Theriot. "We brought chefs from rice-growing states, as well as major importing markets of U.S. rice, to show what they can do."

Johnny Vincenz of South Beach's Astor Place Restaurant participated in the offering. His creation: "Ancho-Cinnamon Seared Pork Tenderloin, Carrot Risotto with Smoked Apple Bacon, Florida White Corn Salsa, Barbeque au Jus."

It's basically a moist, textured yellow rice with pork so tender you could cut it with a spoon, covered by a barbecue and spicy corn mixture. Vincenz prepared a wild rice salad as a soothing companion.

"We use a lot of rice in Florida, especially in south Miami where you have a lot of Latin influence," said Vincenz, who has been cooking in Florida for 15 years.

LOAD-DATE: June 6, 1997

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437913



Fight Ordinances & Restrictions to Control & Eliminate Smoking

FLORIDA: GIVING A COUNCIL MEMBER HIS DUE

The logic of elimination of smoking continues in the USA. This time is the turn of Naples, Florida, where a smoking ban has been proposed in parks and other public areas. The basis for the ban? Littering! This is the new angle used to attack smoking in public. With the lies about smoking now firmly rooted, the antismoking gangsters proceed with their witch-burning. But his time there has been a backfire.

A letter to the Naples' City Council from Jaqueline Miller of the Florida Smokers' Rights Association got some reassuring words from Mayor Bill Bennet . But then Peter H. Van Arsdale , Council Member in the same city, did not miss the opportunity to dump his hatred of smoking and smokers on Ms. Miller, who distributed his letter to many other smokers' rights groups, including FORCES Canada , that did not miss the opportunity to answer adequately . Unfortunately for Mr. Van Arsdale, the smokers' rights groups decided to respond in a massive and energetic way. This has created the necessary political backlash to get the attention of the Council. On September 9, it was decided 4 to 1 to can the proposal.

This story proves once again that each and every time smokers decide to *fight back* to protect their rights, *they are successful* .

It is imperative that smokers get organized to fight the antismoking organized crime. As soon as this is achieved, the antismoking wave will not only be stopped, it will be REVERSED, and the antismokers will be pushed back in the sewers where they belong.

THE LETTER OF MS. MILLER TO MAYOR BENNETT

Mayor Bill Barnett
735 8th Street South
Naples, Florida 34102
Fax; (941) 434-4620

August 25, 1997

Dear Mayor Bennett and Naples City Council:

This letter is in regard to the outrageous proposal to ban smoking outdoors in your parks and on the fishing pier.

2077437914

The grounds for such an action are at best, a little far fetched. The worry and scare tactics in regard to secondhand smoke seem to be the big reason for the excuse to carry this out. Most or all parks events include some sort of outdoor cooking, BBQ's, etc., that do in fact produce secondhand smoke. I wish to ask is this is on the agenda to be banned also. We also must not forget fireworks either.

Mayor Bennett, you seem to be the reasonable voice in this debate and I am sure you must realize that if such a ban on smoking (smoke) is passed you are basically telling 25% of your constituents not to bother visiting the parks of the fishing pier their tax dollars maintain. Not to be forgotten are the potential visitors and tourists that many members of the affiliates listed on the sides of this letter, have made a trip or two to Florida and the Naples area, if such a ban passes they will not return. I speak for myself and my family also.

In regards to the cigarette butt complaint, it would be nice to see ashtrays provided. Trash cans are everywhere and ashtrays could be the answer, don't you agree? Large tin cans, with sand, would work.

It is my opinion Mayor Barnett this outdoor smoking proposal has nothing to do with the health of anyone, it has a lot to do with hopping on the politically correct bandwagon. That is the only justifiable reason such a draconian measure like this would be passed.

I think it is very important to remember that smokers are in fact human beings. It is also important to remember we do pay taxes and vote. We are not taking lightly the your 'not welcome here' idea too well.

THE ANSWER OF MAYOR BARNETT TO MS. MILLER LETTER

[Click here to see the original letter](#)

September 2, 1997

Ms. Jaqueline Miller, Pres.
Smokers' Rights Association, Inc.
7314 33rd St. N.
St Petersburg, FL 33702

Dear Ms. Miller:

Thank you for your fax dated August 25, 1997. Your first paragraph about our outrageous proposal to ban smoking outdoors simply is not a true statement. We received a letter from one of our citizens asking if it would be a feasible thing to do, and we simply passed the inquiry on to our Community Services Advisory Board for their consideration. As of this date, we have not heard back from them. My personal feeling is that this will go nowhere.

I am a firm believer in smokers' rights, although I personally am a recovering smokers. Many of my friends, however, still indulge.

So please, Mr. Miller, don't condemn us yet, and on your next trip to Naples, please stop in and see

us.

Sincerely,
[signature]
Bill Barnett
Mayor

THE LETTER OF MR. VAN ARSDALE TO MS. MILLER

[Click here to see the original letter](#)

September 4, 1997

Mr. Jaqueline Miller
President
FSRA, Inc.
7314 33rd St. North
St. Petersburg, FL 33702

Dear Ms. Miller:

Thank you for your letter of August 25, 1997 in which you express your concern about the conversations the City is having on restricting smoking in our parks. The issue for me has nothing to do with people's health. I don't believe there is a second hand smoke problem outdoors, and if someone wants to kill themselves by doing something as stupid as smoking, that's their business as long as taxpayers don't have to pay for their medical care. It seems that this is being taken care of with higher taxes on cigarettes and large settlements from the tobacco companies.

The issue for me is the litter caused by the pigs that pitch their butts out of cars, onto grass, into the ocean, onto our beaches, or wherever else they happen to be when to butt is over. O would venture that more than 80% of the smokers act this way. We cannot place enough ashtrays in our public spaces to accommodate every spot that a butt is over. Name a smokers who while walking in the water along the Gulf when finished with a butt, will dispose of it in a receptacle. It goes in the Gulf even though it could be extinguished and carried to a trashcan, just as I would do with a can of Coke. Also, ashtrays don't function well outside.

So I think banning smoking at public facilities, both indoor and out is just fine and the best way to deal with the litter problem. I don't believe there will be enough support to do this, but at least we may wind up with designated areas that will accommodate ashtrays.

Thanks for your comments.

Very truly yours,
[signature]
Peter H. Van Arsdale
Council Member

cc.: Mayor and Council
Dr. Richard Woodruff

2077437916

THE LETTER OF FORCES CANADA TO MR. VAN ARSDALE

September 8, 1997

Peter H. Van Arsdale,
Council Member,
City of Naples, Florida, United States

Mr. Van Arsdale:

Your correspondence with Mrs. Miller was sent to us for acknowledgment. We feel pressed to answer as follows:

Your name-calling of smokers is uncalled for. You seem to have jumped on the state bandwagon that gives license to people like you to address smokers as if they were stupid scum. Though we understand that this is neither the official position of the Council, nor the position of Mayor Barnett, we are telling you, Mr. Van Arsdale, smokers are not going to take this garbage anymore.

The "litter caused by the pigs that pitch their butts out of cars [...] grass [and] beaches" is a small and insignificant issue when compared to the litter of HIV-loaded needles that are found in the same places because of another battle that your country is clearly losing. Diverting the public's attention from issues like this by encouraging smokers' persecution will not relieve those problems.

Your contemptuous letter will be replicated in many copies, and used as an example to this country -- and to other nations we are in contact with -- of the level of hatred and stupidity that can be reached when a morally disintegrating country is led by a very stupid man. What has happened to the greatness of your nation?

As an individual, I advise you to take your self-righteous contempt of smokers and stick it up to what may be the only intelligent part left in your body. That may fire up some dead brain neurons, and make you see the stupidity of your antismoking religion.

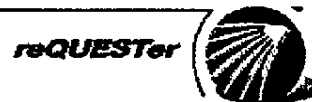
Gian Turci,
President

cc.:

- Mayor and Council
- Canadian press
- Internet
- United States smokers' rights associations
- British smokers' rights associations
- Italian Ministry of Tourism
- Danish smokers' rights associations
- Netherland's smokers' rights associations
- French smokers' rights associations
- Greek smokers' rights association (Elefteria)
- Italian smokers' rights association
- Spanish smokers' rights association

2077437917

LEXIS-NEXIS

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)**Document 41 of 50.**Copyright 1997 PR Newswire Association, Inc.
PR Newswire

September 3, 1997, Wednesday

SECTION: State and Regional News**DISTRIBUTION:** TO STATE AND ENVIRONMENTAL EDITORS**LENGTH:** 370 words**HEADLINE:** Center For Marine Conservation 10th Annual Florida Coastal Cleanup Presented By BRITA, September 20, 1997;
On The Lookout For Volunteers**DATELINE:** ST. PETERSBURG, Fla., Sept. 3**BODY:**

The Center for Marine Conservation (CMC) is on the lookout for volunteers for the 10th Annual Florida Coastal Cleanup presented by BRITA. Held on Saturday, September 20, the Florida Coastal Cleanup is part of the International Coastal Cleanup coordinated by the CMC. In 1996, over 90 countries and all 55 states and U.S. territories participated in this global event, collecting 4,890,914 pounds of garbage from coastlines around the world.

The International Coastal Cleanup is the largest volunteer event for the marine environment according to the Guinness Book of Records.

The Florida Coastal Cleanup asks volunteers to collect specific data on what they find at the cleanup sites. This information is then used to determine the effectiveness of current litter laws and to justify the passing of new legislation which will alleviate the abundance of trash in our waterways.

The majority of debris found is coming from land-based sources such as storm water drains. Plastics make up over 60% of all trash collected during the Florida Coastal Cleanup. For the fifth straight year, cigarette butts were the number one item found.

Discarded plastic fishing gear is the number one killer of aquatic life. Animals that live in or near the water in Florida are under constant threat of being entangled in or ingesting fishing gear, including nets, monofilament line, superline, and other fishing gear.

Last year over 400 SCUBA Divers participated in underwater cleanups statewide finding mostly discarded monofilament line, lead weights, and nets.

In 1996 over 25,000 people participated in the Cleanup statewide and nearly 300,000 volunteers participated world-wide. Since 1988 over 157,000 volunteers have scoured Florida's coast looking for and recording trash.

2077437918

The Center for Marine Conservation is the leading marine conservation organization in the United States. Established in 1972, CMC has more than 120,000 members. CMC is headquartered in Washington, D.C. with regional offices in California, Florida and Virginia.

For information on how you can get revolved with cleanup efforts in your area call 800-CMC-BEACH.

SOURCE Center for Marine Conservation

CONTACT: Center for Marine Conservation, S. Atlantic, Gulf & Caribbean Regional Office, 813-895-2188, or fax, 813-895-3248, or Headquarters, 202-429-5609, or fax, 202-872-0619, or www.cmc-ocean.org

LANGUAGE: ENGLISH

LOAD-DATE: September 4, 1997

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437919

LEXIS-NEXIS

reQUESTer

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)**Document 8 of 50.**Copyright 1998 PR Newswire Association, Inc.
PR Newswire

March 10, 1998, Tuesday

SECTION: Lifestyle**DISTRIBUTION:** -- WITH PHOTO -- TO LIFESTYLE AND ENVIRONMENTAL EDITORS**LENGTH:** 970 words**HEADLINE:** Woman Entrepreneur Helps Clear the Air in Smoking Wars**DATELINE:** FORT WALTON BEACH, Fla., March 10**BODY:**

As the battlelines continue to be drawn between smokers and non-smokers, an enterprising Florida woman has developed a line of products that has both sides singing her praises.

Carol Luedecke's first foray into the neutral zone of the Smoking Wars began in 1995. While attending a government trade show, Luedecke experienced one of those moments of inspiration that entrepreneurs thrive upon.

"Several of our customers were venting their frustrations over the mess created by cigarettes and the trash in the traditional open sand urns," Luedecke said. "The light bulbs started flashing!"

With the inspiration came the idea for the Smokers' Outpost(R), an aesthetically pleasing, environmentally friendly alternative to traditional outdoor cigarette butt receptacles. Designed in a manner reminiscent of a genie's bottle, the product is the result of a year and half's worth of research and testing. Its method of operation is both simple and scientifically efficient. Rather than tossing their cigarette butts in an open urn (or worse, on the ground), smokers simply drop their finished cigarettes or cigars through a hole at the top of the unit's funnel-like neck. The butt falls into the chamber base, where lack of oxygen quickly extinguishes it. The container will hold thousands of cigarette butts, and is easy to empty and clean.

The product is a hit with both smokers and non-smokers alike. As new legislation banning smoking indoors becomes more prevalent, smokers are forced to congregate outside to indulge their habit. The Smokers' Outpost(R) provides them with a convenient method of disposing of their cigarette and cigar butts. Unlike the ubiquitous sand urns found outside most buildings, however, the Smokers' Outpost(R) keeps the ugly cigarette residue out of sight and out of mind -- a change that definitely appeals to non-smokers.

Since the Outpost's inception in 1996, Luedecke's company, CSL Inc. Environmental Products, has sold literally thousands of units per month. The overwhelmingly positive response to the product's first incarnation inspired the development of a smaller version for use around the pool and patio.

2077437920

"It was amazing," Luedecke said. "As soon as the first Smokers' Outposts(R) were out, we started getting calls asking if we also had one for the home."

The 30" high patio version is made of high density, flame retardant polyethylene, and comes with a removable 15" diameter table. Even non-smokers who have friends and relatives who smoke can find a use for the attractive accessory.

"A lot of times, when smokers visit non-smokers' homes, they end up using an old soda can or a saucer for an ashtray," Luedecke said. "The patio version of the Smokers' Outpost(R) will hold a great deal of butts, and it requires little or no maintenance."

Having provided an environmentally friendly alternative for outdoor cigarette and cigar butt disposal, Luedecke has moved on to tackle another smoking-related problem.

According to statistics provided by the Center for Marine Conservation, volunteers participating in beach clean-ups in 1995 collected 800,358 cigarette butts from our nation's shorelines. And since Americans consume 470.45 billion filter-tip cigarettes per year, the 800,000 figure is probably just the tip of the iceberg. When you consider that cigarette filters take anywhere from five to seven years to decompose, the numbers present a significant environmental threat.

"The majority of smokers are conscious of their cigarette litter," said Luedecke, herself a non-smoker. "However, many of the new car models are not equipped with ashtrays, and many current ashtrays are not very accessible, or easy to clean. It's hard to extinguish a cigarette properly in a car ashtray -- the smoke seems to linger forever. As a result, many smokers find that the easiest option is to just flick the butt out the window."

In an effort to provide a convenient alternative to this "flicked litter," Luedecke has developed The Smokers' Sidekick(TM), a portable ashtray that fits into any standard car beverage holder and clips easily to a belt or bag. Smokers can take the unit along in the car, on a boat, to the beach or golf course, or any place else where convenient cigarette or cigar disposal is needed.

Like the Smokers' Outpost(R), the Smokers' Sidekick(TM) is easy to use. The smoker simply flips open the hinged dome and deposits the cigar or cigarette. Close the dome, and the lack of oxygen extinguishes the butt while removing lingering smoke from the air. The Smokers' Sidekick(TM) can even be used by smokeless tobacco users.

While both non-smokers and smokers are enthusiastic about her products, Luedecke still faces obstacles when marketing them.

"Smoking has such a negative connotation, and people tend to react negatively to anything that is remotely related to it," she said. Even though her products do not promote smoking, several catalogs and home shopping outlets have refused to carry them.

Despite these challenges, Luedecke remains undaunted. Her perseverance in developing and marketing her products has won her the recognition of "Convenience Store News," which awarded her the first annual CSNews Best New Service Product of the Year for her Smokers' Outpost(R). In October 1997, "Recreation Resources" presented her with a 1997 Reader's Choice Award for her product line. Earlier this year, Luedecke was nominated for the prestigious Florida Entrepreneur of the Year Award.

"There's so much animosity between smokers and non-smokers these days," Luedecke said. "It's been so exciting and fun for our team to develop products that both sides of the battle can appreciate."

SOURCE CSL Inc. Environmental Products

CONTACT: Lea Tucker, CSL Inc., 800-622-6069, or csl@gnt.net

LANGUAGE: ENGLISH

LN-SUBJ: WOMAN-OWNED BUSINESS (89%); ENVIRONMENT (69%);

2077437921

YAHOO! FINANCE  [Home](#) - [Yahoo!](#) - [Help](#)

PR NEWSWIRE



[[Business](#) | [US Market](#) | [By Industry](#) | [IPO](#) | [AP](#) | [S&P](#) | [International](#) | [PRNews](#) | [BizWire](#)]

Thursday July 9, 5:08 am Eastern Time

Company Press Release

SOURCE: CSL Inc. Environmental Products

Big Solution to Litter Problem: Portable Ashtray Gives Smokers Alternative To Flicking Their Butts

FORT WALTON BEACH, Fla., July 9 /PRNewswire/ -- Entrepreneur Carol Luedecke, of Florida-based CSL Inc. Environmental Products, has come up with a practical and safe alternative to flicked cigarette and cigar remains.

The Smoker's Sidekick(TM) is a portable ashtray that fits conveniently into a standard car beverage holder and can clip easily to a belt or bag. "Smokers can take the unit along in the car, on the boat, to the beach, or golf course; it goes anywhere they go," says Luedecke, the company's president. (Suggested retail \$19.95. Call 800-622-6069 or see www.cslinecenviro.com).

Tossed cigarette butts rank #1 as America's biggest litter problem with over 470 billion filter cigarettes being consumed per year, and each filter having an afterlife of 5-7 years. Even if only a small percentage of those fiberglass filters end up littering the landscape, the effects of smokers' thoughtlessness can be enormous.

"The antismoking sentiment has cleansed our environment of ashtrays but not the smokers," says Luedecke, who is a non-smoker. "Many new model cars no longer come equipped with ashtrays, and you can hardly find a store that sells them anymore." Smokers find themselves flicking their butts for lack of a convenient alternative.

In addition to offering a convenient and responsible alternative to littering, the Smoker's Sidekick (TM) provides more safety assurance. Carelessly tossed butts can fly back into the car igniting upholstery or clothing, and each year lit butt remains account for countless grass and forest fires.

The Smoker's Sidekick(TM) provides a hassle free option for butt disposal. The smoker simply drops his lit remains into the unit and closes the hinged dome. The lack of oxygen extinguishes the butt quickly. The container has a funneled cup insert that helps eliminate lingering smoke residue. The Sidekick(TM) can also be used as a discreet and sanitary disposal option for smokeless tobacco users.

The unit requires minimal maintenance. To empty the Smoker's Sidekick(TM) simply unsnap the top and dispose of butts properly. The streamlined unit is made of flame resistant engineering grade resin, has a holder for cigars and cigarettes, and will hold over three packs of cigarette butts.

2077437922

For information on this and other CSL Inc. Environmental Products, contact: Lea Tucker, CSL Inc. Environmental Products, 800-622-6069, or e-mail csl@gnt.net.

SOURCE: CSL Inc. Environmental Products

Related News Categories: environmental



[Help](#)

Copyright © 1998 PRNewswire. All rights reserved. Republication or redistribution of PRNewswire content is expressly prohibited without the prior written consent of PRNewswire. PRNewswire shall not be liable for any errors or delays in the content, or for any actions taken in reliance thereon.
See our [Important Disclaimers and Legal Information](#).
[Questions or Comments?](#)

2077437923

LEXIS-NEXIS

reQUESTer

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)**Document 22 of 50.**

Copyright 1998 The Tribune Co. Publishes The Tampa Tribune
The Tampa Tribune

April 21, 1998, Tuesday, FINAL EDITION

SECTION: FLORIDA/METRO, Pg. 4

LENGTH: 443 words

HEADLINE: Project means Bay area to get a spring cleaning

BYLINE: LENORA LAKE; Tribune correspondent

DATELINE: TAMPA

BODY:

Volunteers gear up for joint Hillsborough-Pinellas counties cleanup Saturday.

Hillsborough and Pinellas counties are coordinating efforts to make the Tampa Bay area a cleaner place.

~~For the first time, cleanup crews in both counties will bridge the Bay to pick up litter as part of the annual Great Florida Cleanup.~~

Organizers say they hope the two-county project Saturday will draw about 4,000 volunteers to collect litter on roadways, waterways and any place infested with trash. Last year, workers collected 26,000 pounds of trash in Hillsborough County alone.

"It's like a rite of spring," said John Fitzgerald, executive director of Keep Hillsborough Beautiful, organizer of the event.

This year marks the fifth time Hillsborough County has participated in the statewide event, which is a smaller version of the 10-year-old Florida Coastal Cleanup, held each September.

More than 2,200 people are registered to participate in the Hillsborough Cleanup Challenge from 8:30 a.m. to noon Saturday. That is more than three times the 719 volunteers the first year, Fitzgerald said.

Pinellas organizers hope they can attract 1,500 to 2,000 volunteers to participate. The cleanup begins at 9 a.m. in Clearwater, Largo and the beach communities, with the exception of St. Pete Beach. About 30 people took part in a cleanup there Saturday, said coordinator Betti Johnson, principal planner with the Tampa Bay Regional Planning Council.

That joint cooperation will be most apparent on the Courtney Campbell Parkway connecting Tampa and Clearwater.

2077437924

Workers will be supplied with trash bags, surgical gloves and, in some cases, sticks to pick up the trash. The county's garbage haulers will cart off the bags of debris.

About 200 people picked up litter in Pasco County on Saturday, said David West, executive director of Keep Pasco Beautiful.

The event, conducted in several counties throughout Florida this month, is organized by Keep Florida Beautiful Inc., a statewide nonprofit conservation organization, and local agencies.

Fitzgerald said it takes about four months to plan and organize the cleanups. As soon as this one is completed, preparations will begin for the Florida Coastal Cleanup, set for Sept. 19.

Last year 30,000 volunteers collected 1,227 tons of trash in Florida during the event, a Keep Florida Beautiful official said.

For meeting times and locations for the Hillsborough Cleanup Challenge call Keep Hillsborough County Clean at (813) 960-5121 or fax your name and telephone number to (813) 960-5044 to participate. For information about Pinellas County cleanup and collection sites, call (813) 441-6005.

TYPE: LOCAL FOCUS

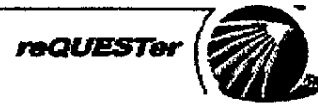
LOAD-DATE: April 23, 1998

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437925

LEXIS NEXIS

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)**Document 18 of 50.**

Copyright 1998 Scripps Howard Newspapers
Press Journal (Vero Beach, FL)

April 24, 1998, Friday

SECTION: A section; Pg. A6

LENGTH: 403 words

HEADLINE: COUNTY RESTAURANTS HELP CLEANUP EFFORT

BYLINE: MATT GRIMISON Press Journal Staff Writer

BODY:

The biggest connection most people make between fast-food outlets and the environment is that careless people often **litter** by throwing meal wrappings from their car windows.

~~Brevard conservation group Keep Indian River Beautiful officials have enlisted almost 30 of the restaurants in Indian River County to take part in this weekend's Great Florida Cleanup by encouraging people not to litter and handing out trash bags.~~

"That's probably our one focus we're most proud of," organization Executive Director Pat Harris said. "We think the visibility of everyone working together makes an impact on people to try and not **litter**."

Many area residents will be making an impact Saturday by taking part in the cleanup.

It is part of a statewide effort overseen by Keep Indian River Beautiful's parent organization, Keep Florida Beautiful. Each state will hold a similar event this month.

The logistics of the event are simple: volunteers get trash bags and gloves from organizers and venture into designated areas picking up all the trash they can find.

It is the second year Keep Indian River Beautiful, which was established in January 1997, has put on the event.

The cleanup is centered in the cities and communities of the county, with Vero Beach, Sebastian, Fellsmere, Orchid, Indian River Shores and Gifford all taking part.

In addition, Barefoot Bay and Micco in Brevard County are planning cleanup sweeps during the event.

Areas targeted include banks and spoil islands in the Indian River, the beaches and along heavily traveled roads, Harris said.

The cleanup runs 8-11 a.m., and most locations have some kind of picnic or reception planned following

2077437926

the event.

Gathering locations are as follows:

Vero Beach - 43rd Avenue and West Airport Drive.

Sebastian - Riverview Park.

Fellsmere - The old school building.

Indian River Shores - Town Hall.

Orchid - Orchid Beach Club.

Gifford - The Youth Activities Center.

Barefoot Bay - The fishing pier off U.S. 1.

Micco - The Indian River Trading Post on U.S. 1.

"The most important part of all is public awareness," Keep Indian River Beautiful board member Sarah Hayes said. "It is important that we educate people, and educate them starting from youth all the way up."

For more information on the cleanup, call Keep Indian River Beautiful at 388-9969.

LOAD-DATE: April 24, 1998

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437927

LEXIS-NEXIS



[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]

Document 5 of 50.

Copyright 1998 Stuart News Company
The Jupiter Courier (Jupiter, FL)

April 22, 1998, Wednesday

SECTION: Community; Pg. A8

LENGTH: 310 words

HEADLINE: WORKING FOR A LITTER-FREE COMMUNITY

BYLINE: Jeff Alexander Staff Writer

BODY:

If roadways, beaches and parks in northern Palm Beach County looked more litter-free after Saturday morning, that's because of the efforts of more than 200 volunteers who gathered cigarette butts, styrofoam cups, pieces of car tires, cardboard and other debris.

They gathered up trash in the annual countywide ~~Great Beautiful Palm Beaches Cleanup~~, spending anywhere from one to four hours.

Malissa Booth, executive director of Beautiful Palm Beaches Inc., said, Monday, that getting more participants makes the cleanup a success.

"To me, I don't care how much trash we collect," she said. "I'd rather have more people involved."

For instance, at North Palm Beach Heights in unincorporated Palm Beach County, 35 people registered to gather trash, she said. "We did that area for the first time last year and we didn't have half that many."

A group of about 25 from another area - the Ocean Walk, Seabrook and Xanadu condominiums in Jupiter - were recruited within two or three days, Booth said. The organizer, she noted, learned about the cleanup in last Wednesday's Jupiter Courier and decided to get her neighborhoods involved.

Final totals of volunteers are still being tallied, but Booth estimated, Monday, there were about 50 in Carlin Park, 25 each in Jupiter Inlet Colony and Jupiter, about 80 for Limestone Creek/Cinquez Park/Kennedy Estates, 35 at Juno Beach and 27 in Palm Beach Gardens.

Suzanne Wilson and her 11-year-old son, Jason, were among those who showed up right about 8 a.m., Saturday, for the cleanup, she said. The mother-and-son team combed the sides of the road leading into North Palm Beach Heights.

In about two hours, they filled five trash bags, which were taken to an onsite dumpster, Suzanne Wilson said. By 10 a.m., they were ready to quit for the morning. "Two hours is enough," she said, laughing.

2077437928

GRAPHIC: 5 (B/W) photos by Kevin Hemstock and Jeff Alexander: At top, Joanna Aikens of the Solid Waste Authority attacks a waste heap at Cinquez Park in Jupiter. Above, Mike Arnold, president of Nose Riders surfing club, carries beached flotsam off the beach at Carlin Park. Above, right, Kathy Hopkins of SWA rewards cleanup helpers with slices of cake, following a cleanup effort at Limestone Creek. Far right, (from left) Angela Williams; her daughter, Lacey, 9; and Kathleen Reiniger pick up trash along Loxahatchee Drive in Jupiter. At right, Mehrdad Khojsteh spears trash on the hill at I-95 and Military Trail in Palm Beach Gardens.

2 (B/W) photos: Top, employees with the Town of Jupiter pitched in to help landscape Studor Arms Apartments on Center Street. Above, Jason Wilson, 11, drops a piece of discarded car tire into a bag held by his mother, Suzanne Wilson, on the road leading into North Palm Beach Heights.

LOAD-DATE: April 22, 1998

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437929

LEXIS-NEXIS



[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]

Document 2 of 50.

Copyright 1998 Sun-Sentinel Company
Sun-Sentinel (Fort Lauderdale, FL)

May 10, 1998, Sunday, Palm Beach South EDITION

SECTION: COMMUNITY CLOSE-UP, Pg. 3

LENGTH: 309 words

HEADLINE: STUDENTS TO SHARE ENVIRONMENTAL IDEAS

BYLINE: ROBIN FIELDS STAFF WRITER

BODY:

They have plucked garbage from local beaches, plugged pro-environment petitions at City Hall, even organized community recycling programs.

~~Now more than 400 of South Florida's youngest environmentalists will converge on Tuesday for the first annual Earth Force Youth Summit.~~

The summit conducted by West Palm Beach's Pine Jog Environmental Education Center culminates a year of earth-friendly projects taken on by middle school students in Palm Beach, Broward and Martin counties.

"The goal is to help them develop lifelong habits of active citizenship and environmental stewardship," said Clancy O'Donnell, who with Susan Toth oversees the Earth Force pilot program at Pine Jog.

Environmental learning centers in Boston, Denver and Erie, Pa., are conducting similar programs.

South Florida students volunteered for projects through their schools or area clubs, tackling a broad range of community ills.

Students from Jefferson David Middle School in West Palm Beach worked after school to design a trash pickup project on Lantana Beach.

~~"We cleaned up cups, cigarette butts, plastic bags," said Brandy Robinson, 13. "People should be more considerate of the environment."~~

The Wellington Boys and Girls Club waded into a local debate, arguing that their town should refill a dried-up local pond to bring back fish and birds, rather than turn the site into a park. The students circulated a petition and spoke at a town meeting, but the matter remains tied up in court.

"You're standing up for what you believe in," said Jennifer Rivera, 14, of Royal Palm Beach. "Kids do have opinions and a voice."

2077437930

At Tuesday's event, students will make presentations on their projects, then kick back and celebrate with music and food.

"It's a chance to let the public see what they've been doing," O'Donnell said.

LOAD-DATE: May 16, 1998

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437931



CENTER FOR MARINE CONSERVATION



Southeast Atlantic and Gulf of Mexico Regional Office

One Beach Drive, S.E.
Suite 304
St. Petersburg, Florida 33701
Telephone: (813)895-2188
Fax: (813)895-3248

Perhaps more than any other state, Florida represents the best and worst of America's ocean issues. It makes sense that CMC has a strong presence in Florida. Our regional office in St. Petersburg on the Gulf Coast keeps tabs on the Florida Marine Fisheries Commission, the South Atlantic Fishery Management Council, the Gulf of Mexico Fishery Management Council and works with state and federal fishery managers on issues such as shrimp trawl bycatch, conservation of reef fish, and protection of "live rock", or the living corals that build the reefs.

Every year, shrimpers in the Gulf of Mexico catch, kill, and throw away 5.6 billion croaker, 20 million red snapper, 3.2 million Spanish mackerel, and 1.3 million king mackerel--mostly juveniles. That's a ratio of 4.3 lbs. of wasted "bycatch" for every 1 lb. of shrimp.

BRDs and Bycatch: Victory in the Gulf

More than 80 percent of what is caught in shrimp trawls is not shrimp. That number will soon start to drop because of a recently approved amendment to the Gulf of Mexico Shrimp Fishery Management Plan, long championed by the Center for Marine Conservation. New rules will require shrimp trawls to use bycatch reduction devices, or BRDs, certified by the National Marine Fisheries Service (NMFS). After more than \$7.5 million in federally funded research on bycatch and BRDs, extensive testing confirms that the devices work. They dramatically cut bycatch of juvenile finfish, the unintended victims of trawls, without dramatic loss of the shrimp catch.

The new rules apply to shrimp trawls in the Gulf of Mexico in all federal waters west of Florida's



2077437932

Cape San Blas. (Most coastal states control their waters out to three miles; in the Gulf, Texas and Florida have jurisdiction out to nine miles.)

Following up on this major step forward, we are working to ensure that:

- The amendment is implemented and enforced.
- BRDs are required throughout the Gulf and
- The issue of bycatch is addressed for all fish species, not just economically valuable fish such as red snappers, and for the Gulf ecosystem as a whole.

Clean Coasts and More. The St. Petersburg office coordinates the Florida Coastal Cleanup, the second largest in the country. CMC and its partners, the Florida Coastal Management Program and Keep Florida Beautiful, were honored with a Governor's Cabinet Resolution for the annual event last year.

Other major activities of this office include CMC's Underwater Cleanup and Conservation Monitoring Program, which trains SCUBA divers to find and remove hazardous underwater debris; the Citizen Scientist initiative, which enlists volunteers for community-level monitoring of water quality in south Florida; and protection for sea turtles.

Return to [Regional Offices](#).

[Who We Are](#) | [Our Blue Planet](#) | [What Can I Do?](#)
[Wading Pool for Kids](#) | [Library & Reference](#)

[Home](#) | [Search](#) | [Site Map](#)

© 1998 All rights reserved.

2077437933

4

2077437934

Massachusetts

Laws on the Books

Specific references to "cigarette litter" were not detected among Massachusetts laws.

General Laws of Massachusetts (Chapter 85, Section 36): No person shall drive or move a motor vehicle on any way, as defined in section one of chapter ninety, nor shall the owner or bailee of any vehicle require or permit the same to be driven or moved on any such way, unless such vehicle is constructed or loaded so as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, and, if it is loaded with sand, gravel loam, dirt, stone, rubbish or debris that could fall on other vehicles or on the highway and create litter or potential hazards to other vehicles, unless its load is fully and adequately covered. This section shall not prohibit the dropping of sand for the purpose of securing traction, or the sprinkling of water or other substance on such a way in cleaning or maintaining the same. Whoever violates the provisions of this section shall be punished by a fine of not less than fifty nor more than two hundred dollars.

General Laws Of Massachusetts (Chapter 81, Section 32): In general cities and towns are reimbursed for the cost of the removal of litter from the roadsides and drainage¹.

Local Legislative Initiatives

Sharon: On May 15, 1995 the town passed an ordinance which bans smoking at the town's beaches, as well as in all playgrounds. The impetus for the law was litter².

Pending State Legislative Actions

House Bill No. 4185: On April 6, 1998 legislation was introduced to increase the excise tax on the sale of non-biodegradable cigarettes. The bill was referred to the Committee on Taxation where no further action has been taken³.

Key Groups, Projects and Programs

Clean-Up-The-Commonwealth "Project Clean": Provides drivers with the resources to notify state transportation officials of "messy" highways, rest areas, or medians and

¹ General Laws of Massachusetts, www.state.ma.us/legis/laws

² Four Beaches Ban Puffing New Beachhead in War on Smoking? <http://ash.org/pr/beach1.htm>

³ Massachusetts Legislative Tracking System, www.magnet.state.ma.us/scripts/legis/ltsh.idq?HouseNumber=4185

shoulders. Drivers can call the highway department to report litter and trash including cigarette butts⁴.

Sponsor-A-Highway: Massachusetts is one of 3 states to participate in the "Sponsor-A-Highway" program. Currently, 19 companies are involved in the program to keep highways clean from litter. The state will save \$375,000 in cleanup costs from the program. The companies have sponsored a total of 60 miles of highway, in two-mile pieces, on 4 intestates. Typically, a sponsor company pays \$8,000 to \$10,000 a year for a two-mile stretch of highway. That money all goes to Sponsor-A-Highway Inc. and gets the company logo on a sign 3 feet by 5 feet on each side of the highway⁵.

Surfrider Foundation USA: Sponsors and education campaign, "Hold Onto Your Butt! The Beaches and Street Are Not Your Ashtray." Established in 1984 the foundation has been dedicated to protecting the world's oceans and beaches through activism, education, and research. The foundation has its headquarters in San Clemente, California. Surfrider is a grassroots environmental organization with 25,000 members, 34 local U.S. Chapters including chapters in Florida, Hawaii, and Massachusetts. Surfrider receives financial support from individual members, philanthropic foundations, private sector companies, estates, employee groups, and other entities⁶.

⁴ Thomas C. Palmer Jr., State Sets up Trash Hot Lines For Drivers, Boston Globe, 04-18-1998

⁵ Thomas C. Palmer Jr., Corporate Cleanup Is A Sign of The Times, 02-17-1997, www.lexis-nexis.com/requester.

⁶ Making Waves to Save Our Oceans, www.guidestar.org/feature/feat0011.html

GENERAL LAWS OF MASSACHUSETTS

Chapter 81: Section 32. Definitions.

Section 32. For the purposes of reimbursing cities and towns for the costs actually incurred in constructing, maintaining and policing city or town streets or roads as provided in section thirty-one the following words shall have the following meanings:--

(a) "Constructing", all operations on the travelled way on new location or where considerable reconstruction is to be undertaken, including resurfacing and other work incidental to the above, such as shoulders, side road approaches, roadsides, drainage, structures, sidewalks, traffic control and service facilities, intersection construction, and unusual or disaster operations and professional services, or for such other purposes that the commissioner of highways may specifically authorize.

(b) "Maintaining", all operations on the travelled way including scarifying, reshaping, applying dust palliatives and restoring material losses; patching, mudjacking, joint filling, surface treating, etc. and replacement in kind; other work such as restoration of erosion controls; reshaping drainage channels and side slopes; mowing; tree trimming; replacing topsoil, sod, shrubs, curbing, gutters, riprap, underdrains, culverts; cleaning and repairing culverts; cleaning; painting and repairing of structures; replacement of rail, floors, stringers and beams of structures; replacement of walls and the repairing of drawbridges; removal of snow and ice and related operations such as sanding, chemical applications, etc.; the erection of snow fences and the opening of inlets clogged with snow and ice; removal of litter from the roadsides and drainage; operation of drawbridges charged to highway traffic; painting, repairing and replacement in kind of signs, guardrail, signals, lighting standards, etc.; maintenance and replacement in kind of rest areas; servicing of and furnishing power and light bulbs for highway lighting and traffic control devices; roadside cleaning operations; operation of roadside areas, towing service, information booths, etc.; or for such other purposes that the commissioner of highways may specifically authorize.

(c) "Policing", all operations on the travelled way by city or town law enforcement officials having to do with the direction or control of traffic thereon and such other purposes as the commissioner of highways may specifically authorize.

Return to:

**** [Next Section](#) ** [Previous Section](#) ** [Legislative Home Page](#)**

2077437937

GENERAL LAWS OF MASSACHUSETTS

Chapter 85: Section 36. Construction and loading of vehicles to prevent dropping of load on way; penalty.

Section 36. No person shall drive or move a motor vehicle on any way, as defined in section one of chapter ninety, nor shall the owner or bailee of any vehicle require or permit the same to be driven or moved on any such way, unless such vehicle is constructed or loaded so as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, and, if it is loaded with sand, gravel, loam, dirt, stone, rubbish or debris that could fall on other vehicles or on the highway and create litter or potential hazards to other vehicles, unless its load is fully and adequately covered. This section shall not prohibit the dropping of sand for the purpose of securing traction, or the sprinkling of water or other substance on such a way in cleaning or maintaining the same. Whoever violates the provisions of this section shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Return to:

**** [Next Section](#) ** [Previous Section](#) ** [Legislative Home Page](#)**

2077437938

GENERAL LAWS OF MASSACHUSETTS

Chapter 90: Section 22G. Littering; suspension of license.

Section 22G. The registrar may, after due hearing, suspend for a period not exceeding seven days the license or permit to operate motor vehicles or the right of a person to operate motor vehicles in the commonwealth of any person who litters, or who knowingly permits, as the operator, occupants of his vehicle to litter, public or private property through the disposal of trash or garbage from said motor vehicle.

Return to:

**** [Next Section](#) ** [Previous Section](#) ** [Legislative Home Page](#)**

2077437939

Four Beaches Ban Puffing New Beachhead in War on Smoking?

National Campaign May Make Smokefree Beaches Newest Tourist Attraction Move Consistent With Growing Smoking Bans in Other Outdoor Areas

At least four beaches have already banned smoking or set aside no-smoking sections in what may be the latest beachhead in the fight to protect nonsmokers from tobacco smoke both indoors and outdoors.

On Monday the town of Sharon, Massachusetts passed an ordinance which bans smoking at the town's beaches, as well as in all town playgrounds. Previously, Honolulu's City Council banned all smoking at Hanauma Bay, a beach which has about 1.5 million visitors a year. Since the law came into effect, most of those fined for smoking have been Japanese tourists who either cannot, or will not, understand the no smoking signs. The Honolulu City Council is now considering establishing no-smoking beaches at Waikiki.

Meanwhile, in Europe, there are now smoke-free beaches at Bournemouth, a British resort which gets more than two million visitors each year and has more discos than anywhere in the U.K. apart from London, and at Damp, a small resort along Germany's windy Baltic Sea coast. Action on Smoking and Health (ASH), a national antismoking organization which led the fight to ban smoking on airplanes, trains, buses, and in most other public places, says that it will begin a national campaign to encourage beaches all over the country to ban smoking, or at least to establish no-smoking areas.

Actually, the four beach bans are simply the latest steps in a movement ASH helped start to prohibit smoking even outdoors wherever it causes problems for nonsmokers, says law professor John Banzhaf, ASH's Executive Director, who cites the following: more and more sports stadiums are banning smoking n smoking in being prohibited in lawn-seating areas of places in which concerts are being presented, such as Wolf Trap Park near Washington, D.C.

A Davis, California, law enacted earlier this year prohibits outdoor smoking on sidewalks in front of buildings n many companies and building managers have prohibited smoking immediately adjacent to entrances to their buildings. These prohibitions are coming about because we are increasingly recognizing that even smoking outdoors can cause annoyance and irritation and sometimes even health problems when people are close together, says Banzhaf. He notes that the Sharon ordinance was championed by a woman whose husband is sensitive to smoke because he's asthmatic.

Banzhaf notes that there are also other very compelling reasons to prohibit smoking on beaches. In Honolulu, he notes, one of the major concerns was that cigarette butts left on beaches created a danger for sea turtles and other wildlife which frequented the area. Another good reason is to reduce litter. "Cigarette butts are one of the most pervasive types of litter found on beaches," he says.

FOR IMMEDIATE RELEASE: Monday, May 15, 1995

FOR MORE INFORMATION, CALL: John Banzhaf (202) 659-4310

[Return to Top](#)

[Return to PR List](#)

2077437940



go to [Refine Search](#) go to [Results](#) Document
You asked: *smoking and beaches*

Document Options

- go to - [Best Part](#)
- begin - [New Search](#)
- view - [Printable Copy](#)

Word Lookup

[Go!](#)

- [Dictionary](#)
- [Thesaurus](#)

S.F. playgrounds likely to go smoke-free (USA TODAY)

SAN FRANCISCO -- California, the first state to ban smoking in bars, is leading the way into the next anti-smoking frontier: the great outdoors.

San Francisco's parks commission is expected next week to ban smoking at 29 playgrounds and recreation centers. The city would become the sixth in California to restrict outdoor smoking.

A Santa Cruz ordinance outlawing smoking in lines for movies and buses takes effect June 23. Palo Alto, Clayton, Davis and Arcata also have laws against lighting up in certain outdoor areas, including within 20 feet of the entrances to public buildings, where smokers often gather if they cannot smoke indoors.

Just a handful of other cities around the country have cracked down on outdoor smoking. Anti-smoking activists say that as long as some states and localities permit smoking in workplaces and public buildings, their efforts will continue to focus on indoor smoking.

"Places that have already looked at the clean indoor-air issue are the ones beginning to look outside where the crowds are, where people gather and are exposed to secondhand smoke," said Cynthia Hallett, policy manager with Americans for Nonsmokers' Rights in Berkeley, Calif.

Smoking is prohibited on beaches and in public playgrounds in Sharon, Maine; at outdoor recreation areas in Mount Olive, N.J.; on beaches in Carmel, N.Y.; and in public parks in Bellaire, Texas. New York City prohibits smoking at children's playgrounds.

Mesa, Ariz., has the nation's strictest law, banning smoking in nearly all outdoor places where the public congregates. That includes sidewalks in commercial districts, public parks and areas within 15 feet of building entrances. Fines start at \$100.

All Major League Baseball teams, most minor league teams and all National Football League teams prohibit smoking in their stadium seating areas.

A number of cities, including New York and Arlington, Mass., require outdoor restaurants to either ban smoking or provide nonsmoking sections.

The outdoor smoking policies vary from place to place, but few are blanket bans. They tend to focus on areas where people congregate in captive situations, such as at bus and subway stops. Some are enforced by local police departments and carry penalties equivalent to traffic infractions or the lowest class of misdemeanor.

San Francisco's restrictions enunciate policy but are not formal laws. They would target areas where children congregate, mostly small parks and

2077437941

playgrounds. The goal is not only to protect children from secondhand smoke but to discourage smoking among the young.

In the cities that pioneered outdoor smoking bans, compliance is good, officials say. Davis' law, passed in 1993, is enforced when a citizen complains, "but there hasn't been much of a problem," City Clerk Bette Racki said. "If there's smoking in an outdoor restaurant, someone will tell the owner or a waiter, and the person will be asked not to smoke. It usually works."

In Palo Alto, which banned smoking within 20 feet of public buildings in 1995, no one has been prosecuted for a violation, Judy Glaes, a police code-enforcement officer, said.

Many smokers see the laws as a denial of their rights.

"These laws infringe on the rights of individuals to make lifestyle choices on legal products," said Michael Hambrick, vice president of the National Smokers Alliance, a 3 million-member grass-roots organization based in Alexandria, Va. "Where is it going to stop? In a person's castle, his own home?"

So far, 42 states restrict smoking in indoor public places such as government buildings, hospitals, restaurants and arenas.

Twenty-three states restrict smoking in private workplaces.

Two states, Mississippi and Alabama, still allow unrestricted smoking in public places.

Copyright 1998, USA TODAY, a division of Gannett Co., Inc.

John Ritter, S.F. playgrounds likely to go smoke-free., USA TODAY, 06-10-1998, pp 03A.

[Back to Top](#)

[New Search](#)

Copyright © 1998 Infonautics Corporation. All rights reserved. - [Terms and Conditions](#)

2077437942

LEXIS·NEXIS

reQUESTer

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)**Document 18 of 23.**

Copyright 1997 Boston Herald Inc.
The Boston Herald

April 8, 1997 Tuesday FIRST EDITION

SECTION: NEWS; Pg. 005

LENGTH: 460 words

HEADLINE: Butts out in State House; Birmingham: It's time building is smoke-free

BYLINE: By CAROLYN RYAN

BODY:

Massachusetts' most powerful chain smoker has decided to clear the air at the State House, moving to ban tobacco from its hallowed halls.

Senate President Thomas F. Birmingham told Gov. William F. Weld yesterday he wants to snuff out the State House's longstanding anything-goes policy on smoking.

Birmingham asked Weld during an afternoon meeting to finally bring the building into compliance with state anti-smoking laws.

That means smoking would be limited to small designated areas: No more lobbyists exhaling cigar fumes outside the House gallery, no more legislators sharing Marlboro Lights on stairwells and no more reporters dragging on butts on benches.

"It's important that we not be seen as applying a double standard with regard to this building," Birmingham said after talking with Weld. "I believe the State House should be brought into compliance with the law."

Birmingham's action comes after intense pressure from health advocates and anti-smoking crusaders. The state's outgoing Public Health Commissioner David Mulligan has tried to embarrass legislative leaders into complying with regulations. Mulligan said children and citizens sensitive to second-hand smoke are being driven away from visiting the State House.

And last week, a fire - apparently caused by a carelessly disposed **cigarette butt** - ignited in a trash can of the fifth floor men's bathroom, forcing a State House evacuation.

Birmingham called the fire "a concern." The Senate president, who is mulling a run for Congress, also faces a potential challenge from Sen. Warren Tolman (D-Watertown) who has grabbed headlines for his attacks on the tobacco industry.

Birmingham denied his political ambitions influenced his decision. "That's conjecture on top of speculation," Birmingham said.

2077437943

The Bureau of State Office Buildings will design the smoking plan, Birmingham said.

Some preservationists have complained the smoky haze is damaging the State House's collection of historic paintings and sculpture.

The Indoor Clean Air Act of 1988 required smoking be prohibited in all but designated areas of public buildings. But the law has never been enforced at the State House, where cigar fumes wafted from former House Speaker Charles F. Flaherty's chambers, and Birmingham's fondness for Newport Lights is well-known. House Speaker Thomas Finneran has been eager to crack down on smoking, sources say, but has deferred to Birmingham.

Rep. John Businger, chairman of the Legislature's tobacco caucus, hailed the news as a breakthrough.

"Something is finally going to happen after all these years," said Businger (D-Brookline.) "This is clearly a responsive position from the Senate president and I congratulate him. He's been looking at this for a long time."

LOAD-DATE: April 08, 1997

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437944

Massachusetts Legislative Tracking System Specific Bill Number Search Results

Search Results

Documents 1 to 1 (of 1) matching the query @DocTitle "House, No. 4185" .

1. HOUSE, NO. 4185

Abstract: House, No. 4185. Presented by: Representative John A. Businger. Petition of John A. Businger and Susan C. Fargo for legislation to increase the excise tax on the sale of non-biodegradable cigarettes. 01/01/97 H Referred to the committee on Taxation. HJ 285A 01/01/97 S Senate concurred -SJ 388A 05/15

<http://www.magnet.state.ma.us/legis/history/h04185.htm>
size 1,190 bytes - 4/6/98 12:35:44 PM GMT

Page 1 of 1

Find the bill history for

House, No.

or

Senate, No.

[Return to General Court home page](#)

2077437945



go to [Refine Search](#) go to [Results](#) [Document](#)
You asked: *Massachusetts and smoking and beaches*

Document Options

- go to- **Best Part**
- begin- **1st Sentence**
- view- **Printable Copy**

TOBACCO SMOKE AND THE ENVIRONMENT: GREGORY N. CONNOLLY
(Congressional Testimony)

Testimony of Gregory N. Connolly, D.M.D., M.P.H. Director,, Mass Tobacco Control Program

Massachusetts Department of Public Health Boston, Massachusetts

for the Senate Committee on Environment and Public Works

April 1, 1998

on State Public Health Measures to Curb Involuntary Exposure to Tobacco Smoke

Description of the Problem

Second-hand smoke is the third leading cause of preventable death in the United States of America. Second-hand smoke results in an estimated 37,000 premature deaths each year. 37,000 from heart disease, 3,700 from cancer and 12,000 from other forms of cancer. Only active **smoking** deaths per year) and alcohol (100,000 deaths per year) result in the health effects of second-hand smoke has been reviewed extensively in scientific literature. There are more than 3,000 scientific articles on environmental tobacco smoke. These articles have been summarized in reports done by the Surgeon General, the National Research Council of the Environmental Protection Agency, and most recently by the Center for Environmental Protection Agency. Just last week new evidence shows that ETS damages the cardiovascular system of exposed non-smokers.

Each year in the United States second-hand smoke causes the following:

- 53,000 deaths among adults from heart disease, lung cancer and nasal sinus cancers.
- 8,000-26,000 new cases of asthma among children.
- 150,000-300,000 cases of lower respiratory track infection
- 7,500-15,000 hospitalizations for lower respiratory track infection in infants.
- 140-210 infant deaths from lower respiratory track infection
- 200,000- 1,000,000 asthma attacks through exacerbation of asthma among children.
- 250,000-2.2 million middle ear infections in infants and children
- 1,900-2,700 deaths from Sudden Infant Death Syndrome (SIDS)
- 9,700-19,000 cases of low birthweight due to second-hand smoke during pregnancy.

Environmental Tobacco Smoke and the Proposed National Settlement

Word Lookup

- Dictionary**
- Thesaurus**

2077437946

tobacco settlement provides a minimum standard governing smokin places and workplaces by permitting smoking only in separately areas. It also authorizes OSHA to promulgate regulations and re standards. However, the settlement exempts restaurants (except restaurants), bars, private clubs, hotel rooms, casinos, bingo tobacco merchants and prisons. The latter are public areas that of the highest levels of second-hand smoke exposure of any publ and pose significant risks to exposed workers.

Drs. Koop-Kessler, in reporting on the settlement, have made a recommendations to strengthen the settlement's provisions for i exposure to environmental tobacco smoke. The report calls for t of smoking in all worksites and all places of public assembly. calls for state and local measures prohibiting smoking in all w including public awareness campaigns related to the health effe exposure. The report calls for a complete risk assessment of ca effects associated with environmental tobacco smoke and the dev of economic incentives for business to encourage smoke-free wor Finally, the report calls for adequate funding of a public educ about the dangers on ETS.

The Massachusetts Approach to Curbing ETS

In 1992, the Massachusetts Division of the American Cancer Soci a ballot question on the state's ballot to raise the cigarette and allocate a portion of those funds for a comprehensive tobac campaign. The ballot question passed 56%-44%, and in the fall o the state Department of Public Health established the Massachus Control Program (MTCP).

The MTCP was designed to curtail tobacco death and disease asso smoking by preventing young people from taking up tobacco use, adult smokers to quit, and protecting non- smokers from the adv effects of environmental tobacco smoke. The state has spent ove since 1993 to curb smoking in the state, and this year's budget million. →

Massachusetts has accomplished much in curbing involuntary expo environmental tobacco smoke through the adoption of policies at level that prohibit smoking in public places and through an agg counter-advertising campaign that alerts both smokers and nonsm the dangers of second- hand smoke. Our campaign has been highly and mirrors much of what the Koop-Kessler Commission advocates. settlement could easily adopt the measures we have put in place to address this problem.

The campaign has three major components, a media campaign (\$13 local policy and prevention initiatives, and cessation services focus on what Massachusetts has done on ETS.

How Massachusetts is Protecting Non-Smokers From Environmental Smoke The effort to reduce this risk has taken two parallel pat MTCP-funded programs, especially local Boards of Health, have w establish institutional or governmental policies to prohibit sm areas where non- smokers might be affected. Second, MTCP has in public about the dangers of ETS through the statewide media cam well as public information activities sponsored by local progra in voluntary adoption of smoking restrictions at home and in pu

Smoking bans for municipal buildings have been widely adopted. cities and towns banned smoking in municipal buildings before Q 1, and in 1992 fewer than 600,000 Massachusetts residents were by such bans. Between 1992 and 1997, however, 101 cities and to

2077437947

such provisions. The most recent data indicate that such restrictions in effect in cities and towns whose combined population exceeds nearly five times the 1992 figure. Smoking was banned in all state government worksites by legislation passed in 1997. V bans have been adopted in all major sport stadiums, including Fenway and Foxboro Stadium.

Mass Media

Our program commits \$13 to paid mass media of which one quarter to the damages of ETS. The messages are hard hitting and have given the awareness of the dangers of ETS and support passage of local

Helping Employers Control ETS in the Workplace

MTCP-funded programs have helped employers establish policies restricting smoking in the workplace. Local Boards of Health and the Tobacco Initiative both carry out such activities. Since the programs began in 1994, they have:

- Initiated contact or responded to requests from over 4,500 and
- Provided technical assistance or information to nearly 1,000 locations.
- 499 of those worksites are known to have implemented new control policies, affecting over 70,000 employees.

A survey of Massachusetts' 3,000 largest employers found that 70% complete smoking bans and 20% require designated smoking areas. 10% of these employers have no policy restricting smoking in the workplace.

Massachusetts workers are now significantly less exposed to environmental tobacco smoke than before MTCP began. The percentage of workers that ban indoor smoking climbed from 53% to 65% between 1993 and 1997. Average ETS exposure at work has fallen from 4.5 to 2.2 hours per week.

Restricting Smoking in Restaurants

Massachusetts residents have strongly and consistently favored restricting smoking on restaurants. A 1993 survey found that on a policy of unrestricted smoking in restaurants, while 47% support bans. Provisions restricting smoking in restaurants were relatively before Question 1 and nearly always required simply that a portion of space in the restaurant be designated as non-smoking. Since the programs began operations, restaurant smoking restrictions have been widely adopted and the population protected by restrictions on smoking has more than doubled. During the same period, moreover, the population protected by complete bans in restaurants has grown from less than 1 million to nearly 1 million persons.

Smoking bans have not harmed restaurant business. Over 100 Massachusetts cities and towns have enacted some restriction on smoking in restaurants. Some restaurant owners have opposed restrictions, arguing that they would be adversely affected. Recent analyses of the Massachusetts adopting restrictions indicate no adverse effects. If anything, restrictions are associated with gains in restaurant revenues and

After towns adopted highly restrictive restaurant smoking policies, restaurant receipts were between 5.5 and 8.6 percent higher than had not adopted the restrictions. Highly restrictive policies—either a complete ban or a requirement for separate rooms for non-smokers—

2077437948

force in 29 Massachusetts towns between 1992 and 1995. An econo using data on meal taxes found that restaurant revenues in thes exceeded their predicted levels for the periods after adopting where predictions were based on patterns in 22 cities and towns such restrictions.

A separate analysis suggests that the number of restaurant jobs on average, in towns adopting smoking restrictions. In towns wi of smoking restriction, the total number of restaurant employee was 9.9 percent higher than would be expected, based on the pat towns without restrictions. In towns with highly restrictive po the estimated effect was 5.9%, which is within the margin of es error.

The analytical results are consistent with research elsewhere, with Massachusetts residents' statements about their use of res Survey respondents say that they would be more likely, rather t likely, to frequent restaurant, clubs and bars with smoking ban although 37% report that they have avoided going somewhere beca would be "exposed to too much second-hand smoke," only 9% have going somewhere "because smoking was forbidden."

The Impact of Restrictions on Environmental Tobacco Smoke Cigar has dropped by 31% since 1992. Data from the Tobacco Institute cigarette purchases in Massachusetts in 1992 totaled 117 packs aged 18 or older. By the first half of 1997, purchases had drop % to 8 1 packs per capita. The steepest declines occurred in th following new excise taxes (1993 and 1997).

Those who do smoke are smoking fewer cigarettes. Part of the de cigarette consumption has occurred because Massachusetts smoker less. The 1993 Massachusetts Tobacco Survey (MTS) found that ad smoked an average of 20 cigarettes per day. That number fell to per day in 1996-1997, the most recent two-year period of the Ma Adult Tobacco Survey (MATS).

Restrictions on Second Hand Smoke Have Contributed to an Overde Tobacco Use

Adult smoking rates are declining. The annual surveys of Massac adults suggests a slow but steady decline in the proportion who The 1993 survey estimated that 22.6% of Massachusetts adults-ab million persons-were smokers. The 1997 estimate of 20.6% sugges the number of adult smokers has fallen by about 9%. This implie of 90,000 in the number of smokers.

Environmental Tobacco Smoke and National Tobacco Legislation

The current settlement provides little protection to the non- s the adverse health effects of environmental tobacco smoke. Ther number of measures that can be included in any national settlem would do so.

1) Cover the Costs of Second Hand Smoke

Environmental tobacco smoke costs the American public money and each year. These costs are not reflected in the settlement cost should be.

2) Include Effective Warnings

Second, the settlement proposes five new warning labels on pack cigarettes and in cigarette advertisements. None address the ef second-hand smoke. Three additional warnings are needed to do s

2077437949

WARNING: ENVIRONMENTAL TOBACCO SMOKE CAN KILL. WARNING: ENVIRON CAUSES RESPIRATORY DISEASE AMONG YOUNG CHILDREN. WARNING: ENVIR TOBACCO SMOKE CAN CAUSE LUNG CANCER AND HEART DISEASE AMONG HEA

3) Expand ETS Restrictions

The current settlement excludes restaurants, bars, bingo parlor places of hospitality. There is no reason to do so. The current should prohibit smoking in restaurants with a possible phase in smoking within other areas.

4) No Immunity From ETS Lawsuits

The current settlement provides broad immunity from litigation because of the adverse health effects of second-hand smoke. The some basis for providing limited immunity for persons whose smo caused them disease. However, for exposed non-smokers there is of the risk, and the tobacco industry should not be given prote people should not be denied their opportunity to litigate again industry. They simply did not assume the risk, and they should to pay.

5) Media Campaign

The current settlement allocates over half a billion dollars fo national advertising campaign with a focus on youth by deglorif discouraging smoking. It is extremely important that this be ex include the adverse health effects of secondhand smoke.

NO PORTION OF THIS TRANSCRIPTION MAY BE COPIED, SOLD OR RETRANS THE EXPRESS WRITTEN AUTHORITY OF FEDERAL DOCUMENT CLEARING HOUS

COPYRIGHT © 1998 BY FEDERAL DOCUMENT CLEARING HOUSE, INC.

TOBACCO SMOKE AND THE ENVIRONMENT:GREGORY N. CONNOL Testimony, 04-01-1998.

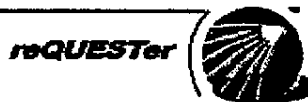


[Back to Top](#)

Copyright © 1998 Infonautics Corporation. All rights reserved. - [Terms and Conditions](#)

2077437950

LEXIS-NEXIS



[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]

Document 11 of 50.

Copyright 1998 Globe Newspaper Company
The Boston Globe

April 18, 1998, Saturday, City Edition

SECTION: METRO/REGION; Pg. B5

LENGTH: 152 words

HEADLINE: State sets up trash hot lines for drivers

BYLINE: By Thomas C. Palmer Jr., Globe Staff

BODY:

Massachusetts drivers can now call for cleanup.

State transportation officials yesterday announced the most ambitious step yet in their clean-up-the-Commonwealth program.

Drivers who spot litter can now call one of two numbers to report messy highways, rest areas, or medians and shoulders.

Call No.321 on a mobile phone or 888-359-9595 on a regular telephone to report litter and trash to the Highway Department.

- includes cigarette butts

State Transportation Secretary Patrick J. Moynihan, who established cleanliness as a priority on highways and at the MBTA, announced "Project Clean" at a Bourne rest area on Route 25 yesterday.

"This is a quality of life issue," Moynihan said. "Under Project Clean, Massachusetts motorists serve as a monitoring force to help Mass. Highway determine where litter is a problem."

A companion program to clean up MBTA tracks and other property is expected to be announced next month.

LANGUAGE: ENGLISH

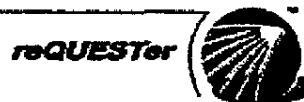
LOAD-DATE: April 21, 1998

[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]
[About LEXIS-NEXIS] [Terms and Conditions]

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437951

LEXIS-NEXIS



[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]

Document 46 of 50.

Copyright 1997 Globe Newspaper Company
The Boston Globe

February 17, 1997, Monday, City Edition

SECTION: METRO/REGION; Pg. B2

LENGTH: 1265 words

HEADLINE: Corporate cleanup is a sign of the times;
STARTS and STOPS / THOMAS C. PALMER JR.

BYLINE: By Thomas C. Palmer Jr., Globe Staff

BODY:

They've begun sprouting up all along the roadways in Eastern Massachusetts - those eye-catching (and some say intrusive) signs that advertise Enterprise Rent-a-Car, Nikon, Muzi Ford, and other companies.

It may seem like more, but only 19 companies are involved so far. It's the Massachusetts Highway Department's pilot program to "Sponsor A Highway."

The program is run in conjunction with a California company of that name. Massachusetts has become the third state, after California and New York, to enlist corporate contributions to keep the highways clean.

Meanwhile, since 1991, Massachusetts has run a successful "Adopt A Highway" program, in which civic groups, clubs, and local businesses pledged to periodically clean up a couple of miles of roadway in exchange for a modest sign noting their civic contribution.

Sponsor A Highway takes this to a new level, and - judging from the reaction Starts & Stops has received - it is being noticed.

First, the good news. "We're saving \$ 628,000 a year just on the 'Adopt A Highway' program" in place since 1991, said Highway Commissioner Kevin J. Sullivan. That program has grown from a dozen adoptive groups to 352 and is not going to be pushed out by the corporate Sponsor A Highway activity, he said.

The state will save \$ 375,000 in cleanup costs from the corporate Sponsor A Highway program, Sullivan said. The 19 companies have sponsored a total of 60 miles of highway, in two-mile pieces, on four interstates and Routes 3 and 128.

"Some of the more intense type of maintenance we always do," Sullivan said, "but litter is something that we expect the volunteer groups and the private sector to take care of."

Patricia Nelson, vice president of Sponsor A Highway, told us what a hit the program has been in the

2077437952

other states.

Companies seeking the attention of millions of driver-consumers have willingly paid up, she said, and have been joined by entertainers Bette Midler and Robin Williams, who have sponsored their own highways.

"Cities and states were unable to properly maintain their roadways in terms of litter," Nelson said.

Typically, in Massachusetts, she said, a company pays \$ 8,000 to \$ 10,000 a year for a two-mile stretch. That money all goes to Sponsor A Highway Inc. and gets the company logo on a sign - 3-feet-by-5-feet - on each side of the highway.

On the advertiser's behalf, work crews employed by Sponsor A Highway clean up the adjacent areas 32 times a year.

Well, Lady Bird Johnson tried to rid the nation's byways of billboards, and maybe it was only a matter of time until the cost of government became so onerous that we have to give a little on the aesthetics front.

But the bad news is: The state already has 460 so-called logo service signs out there. Those are the Mobil or Burger King or Hilton emblems on big blue signs near interchanges that note for hungry, tired, or low-on-gas motorists where they can find relief.

Those signs seem to have been accepted. But Sponsor A Highway, if deemed successful, promises hundreds of bold commercial statements roadside. Where does it stop?

And here's our real question: If a pair of Sponsor A Highway signs is worth up to \$ 10,000 a year to Sponsor A Highway Inc., how come Mass. Highway charges Burger Kings or others a one-time charge of \$ 250 for the coveted spots on those service signs?

Registry redux

Karen of Dedham, who had big hassles at the Registry of Motor Vehicles office in Framingham, reports a rewarding experience last Monday at the Roslindale License Express branch. "I couldn't believe my eyes," she said. "I was one of only three customers, and there were two clerks. Quite a good ratio." She was out of there in 15 minutes.

Not so, unfortunately, for Margaret of Lexington, who needed a replacement license on Thursday and went to Watertown. To make a very long story short, she waited 45 minutes before reaching a clerk and finding out that her passport and one "secondary" form of identification were not enough.

The literature that is supposed to be available to arriving patrons not only wasn't there but apparently doesn't make clear that motorists need three forms of ID, one primary. So it was back in the car and home. "I got the stuff, I brought it back. I decided to come back with an armload," Margaret said.

A compassionate clerk had told her to go to the head of the line when she returned. Total experience: just under two hours.

Registry spokesman Aubrey Haznar said the 45-minute wait is too long and probably was the result of Thursday preceding a long weekend.

We get letters . . .

Loyal reader Matthew who comes in from the west wonders whether there aren't some intersections that require traffic officers at rush hour - at Huntington and South Huntington avenues, for example, where cars attempting to squeeze through the light get caught in the intersection and tie up traffic in all directions.

2077437953

Surface Artery intersections are our rush-hour favorites.

It's a classic case of gridlock. For some unexplained reason, too many drivers won't accept that if there isn't room for their vehicle on the other side of the intersection they shouldn't enter it. New York City (where our reader once worked) has had success in painting lines around intersections to prevent gridlock; anyone caught in there against the light is fined.

Maybe it's time to try that here. But we can't forget Jim of Northbridge's rule: Whenever you're in a traffic jam, there's a police officer involved up there somewhere.

- Don't ask us how, but somehow last week the caption material did not connect with the photo, and readers may have been left wondering: What salt shed, where?

The chalet-like shed under construction and shown in the photo is in Weston next to the Charles River, on the northbound Route 128 access road to the Massachusetts Turnpike and Route 30.

It is being built for the Massachusetts Highway Department by the Massachusetts Water Resources Authority. It will replace older sheds nearby that the MWRA will be tearing down to make way for underground tanks that will hold 20 million gallons of water.

Pit stops . . .

The new Framingham Logan Express Bus Terminal opened last week at Shoppers' World, with parking for 350 cars . . . Calls to SmarTraveler (*1 cellular or 374-1234) increased 143 percent from 1995 to 1996 . . . The Registry of Motor Vehicles office in the Methuen Mall is closing March 28, and officials hope to reopen elsewhere in the Merrimack Valley.

You can't get there . . .

New: Atlantic Avenue between Essex and Summer streets will be closed 10 p.m.-6 a.m. until March 7, due to Big Dig activity.

Ongoing:

- Continuing indefinitely, there will be no access to High Street under the Central Artery from Interstate 93 northbound. You can take Atlantic Avenue to a U-turn at India Street and follow Surface Artery back to High; or turn left at the bottom of the ramp in a U-turn to Purchase Street, then go right on Pearl Street to High.

- Through mid-May, Beach Street will be closed to through traffic at Atlantic Avenue 7 a.m.-10 p.m.

- Also continuing until about April, Summer Street will be narrowed to one lane in each direction just west of the Summer Street Bridge, over the South Boston Bypass Road.

We answer as many inquiries each week as space allows. You can reach us via e-mail at starts@signglobe.com. Our mailing address is Starts & Stops, P.O. Box 2378, Boston, MA 02107-2378. The column is also on Globe Online which can be found at <http://www.boston.com>. Use the keyword starts.

GRAPHIC: PHOTO, Massachusetts has enlisted corporate sponsorship to keep the highways clean. / **GLOBE STAFF PHOTO / MICHAEL ROBINSON-CHAVEZ**

LANGUAGE: ENGLISH

LOAD-DATE: February 19, 1997

2077437954

LEXIS-NEXIS



[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]

Document 7 of 50.

Copyright 1997 The Providence Journal Company
The Providence Journal-Bulletin

September 21, 1997, Sunday, ALL EDITIONS

SECTION: NEWS, Pg. 1B

LENGTH: 721 words

HEADLINE: Cleaning the coast in Mass., R.I. Offshore and on, volunteers take part yesterday in Rhode Island's "Get the Drift" and Massachusetts's CoastSweep.

BYLINE: Journal-Bulletin Staff Reports

BODY:

~~Hundreds of volunteers scoured Rhode Island and Massachusetts beaches yesterday for litter; hauling away everything from mounds of cigarette butts to an empty 55-gallon drum.~~

The cleanup crews included students, fishermen, a Coast Guard crew and 15 scuba divers, who pried 260 bottles from the muddy bottom off Independence Park in Bristol.

In Rhode Island, nearly 50 beach locations were targeted in the 13th annual "Get the Drift and Bag It" campaign, cosponsored by the state Department of Environmental Management, the Audubon Society of Rhode Island and BankBoston Hospital Trust.

~~In Massachusetts, the cleanup was part of the the state's 10th annual CoastSweep campaign.~~

Many of the volunteers wore shorts and T-shirts as they picked their way over the beaches in the warm, humid air, looking for trash.

"We picked up everything from cigarette butts to tires - even used diapers. There's all kind of grungy stuff out there," said David Monk, executive director of the Salt Ponds Coalition, a nonprofit environmental group.

Monk said that his group filled 10 garbage bags of trash from the Quonochontaug Breachway.

More than 100 volunteers worked on Horseneck Beach in Westport. They found food wrappers, broken chairs and a basketball hoop on a 10-foot stand, complete with a net.

"All of a sudden they came around the corner and they had pulled this thing out of a dune," said Jonathan Carey, one of the coordinators of the morning cleanup. "They were pretty proud of that find."

Cleanups crews did not find any tires at Horseneck Beach this year, Carey said - a positive change from years past. The crews filled 200 to 300 bags with trash, he said, then pitched them into a garbage bin at

2077437955

the beach.

"I really was shocked at how much trash we picked up," he said.

Most of it, Carey said, was from the dunes that line the beach.

"The people who came were very serious about cleaning the environment," he said. "A lot of them said they come there and had no idea how much trash was there until they looked for it."

Volunteers also picked up litter at Cherry & Webb Town Beach in Westport and at Bicentennial Park Beach and Sandy Beach in Fall River.

Litter crews ranged from organized groups to a few people working together.

Fred Naylor, conservation chairman of the Rhode Island Mobile Sports Fisherman - a group of fisherman who fish from beaches - said his group covered about three miles around Watch Hill, in Westerly.

They collected 1,507 pounds of trash, he said, including an empty 55-gallon drum.

"Too many cigarette butts to mention," Naylor said.

Petty Officer Robert Ballesteros rounded up a dozen recruits from the Coast Guard's Marine Safety Office in Providence to clean the beaches at Conimicut Point, in Warwick.

Two busloads of Cranston middle school students spread out along the heavily used beach at Goddard Memorial State Park, in Warwick.

Bill and Jane Aldrich of Warwick were the lone trash-pickers on Passeonkquis Cove near Gaspee Point, also in Warwick.

In Bristol, 16 members of the East Bay Aquanauts, a Warren diving group, prowled underwater in the town harbor, stirring up clouds of silt as they groped for trash.

The murk caused a few near-collisions with other divers, but club member Jay Romano said the cleanup of the 30-foot stretch of harbor water was worth it.

"There is so much history down there," Romano said. "You'll never know what you'll find."

There were a few buried treasures - including what divers believe to be a moonshine liquor bottle dating back to Prohibition - but most of what they hauled out was junk, covered in barnacles, snails and layers of thick black silt. In addition to the 260 bottles, the divers found chunks of metal, a rusted bike, 9 shoes and 1 Ninja Turtle action figure.

Monk, of the of the Salt Ponds Coalition, had this advice for beachgoers:

"When you go somewhere, take a trash bag with you. Bring the trash home and give it to the trash man - that's what you him pay for."

(Another CoastSweep cleanup will take place Saturday at Pierce Beach in Somerset. Volunteers are also being sought for a cleanup the same day at Greenwich Cove in East Greenwich. Both begin at 9 a.m.)

- With Journal-Bulletin reports from Sara Olkon, John Doherty, Matt McKinney and Michael Corkery.

GRAPHIC: Photo: BEACHCOMBER: Lisa Elliot of Providence, at Charlestown Beach, where she found 290 cigarette butts.
Journal-Bulletin, GLENN OSMUNDSON

2077437956

LOAD-DATE: September 23, 1997

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437957

LEXIS-NEXIS

reQUESTer



[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]

Document 16 of 16.

Copyright 1997 Globe Newspaper Company
The Boston Globe

July 2, 1997, Wednesday, City Edition

SECTION: OP-ED; Pg. A19

LENGTH: 789 words

HEADLINE: Philip Morris offers its solutions to tough environmental problems;
DERRICK Z. JACKSON

BYLINE: By Derrick Z. Jackson, Globe Staff

BODY:

American Rivers, which says it is the nation's top river conservation group, last month gave out 17 Urban Hometown Rivers awards at a two-day symposium in Washington, D.C. Two of the awards went to groups in Massachusetts. The Somerville Arts Council won for a mural of marsh life near a public housing development. The Great Barrington Land Conservancy was honored for building a river walk along the Housatonic River.

In the press release was a message from the main corporate sponsor of the awards and the symposium. The sponsor said that for more than 40 years it "has been addressing the special environmental needs of our nation's cities, and we understand that protecting American waters helps ensure a healthy environment. . . . We believe the program and each of its award winners is a truly innovative initiative offering reasonable solutions to some tough environmental problems."

The main sponsor was Philip Morris.

Rebecca Wodder, president of American Rivers, saw no irony in Philip Morris's funding of an environmental contest. "Their line of business is not in direct opposition to our goal of preserving the rivers," she said in a telephone interview. "I draw the line of conflict of interest at the point where a company's activities directly affect the river."

As we know, Philip Morris cares deeply for the environment. No other company is as effective at relieving population pressure. Its cigarettes kill 3 million people a year and may kill 10 million a year by 2025. By then Philip Morris will undoubtedly underwrite Earth Day, addressing our environmental needs by giving us 20 million fewer footprints a year. Cigarettes offer a reasonable solution to tough environmental problems.

The awards by Philip Morris are an example of why, despite the current deal between Big Tobacco and the states, cigarette makers are cheered by community groups as funders of great civic undertakings instead of being hissed as the greatest undertaker. The deal does not stop Big Tobacco from funding groups that allow the grim reaper to reap a harvest of credibility.

Suffering no shame from its role in ushering 3 million people to premature extinction, Philip Morris acts

2077437958

as if it wrote the Endangered Species Act. In 1991, for example, Philip Morris gave \$ 50,000 to the World Wildlife Fund, \$ 10,000 to the Nature Conservancy, and \$ 60,000 to the Milwaukee Zoo (Miller Beer, based in Milwaukee, is owned by Philip Morris). The company gave to several other zoos, botanical gardens, and conservancies.

Philip Morris's gifts buy a critical disconnect. People who preach about ecosystems, food chains, and Planet Ocean suddenly become blind to a toxic dumping that kills more people a year than the combined genocides of Rwanda, Bosnia, and Pol Pot. They run from evidence that tobacco curing and cigarette papers contribute to deforestation and that cigarette butts are the most common garbage on the nation's beaches. Philip Morris shrunk people's world view from Planet Ocean to River Island, getting them to think so locally that the ocean might as well be another planet.

Cecily Miller, the head of the Somerville Arts Council, and Rachel Fletcher, director of the Great Barrington-Housatonic River Walk, were mixed about Philip Morris's involvement in American Rivers. Neither received Philip Morris money for the actual projects. Both received a \$ 500 cash award with the prize.

Both thought that the connection between river pollution and Philip Morris human pollution was too weak to protest. But both were significantly more uncomfortable than Wodder. Fletcher once rejected money from General Electric because of its toxic wastes. She said that when Philip Morris was thanked for being the sponsor, "there was a little stirring around the tables."

It may be some time before such stirrings scare Philip Morris away from such philanthropy. Both Fletcher and Miller said community projects are easy pickings for a Philip Morris because of the drying up of federal funding. Last week, a House committee voted virtually to destroy the National Endowment for the Arts while Congress is debating massive tax breaks for the wealthy.

"The irony to me is that by cutting public funding, but giving the breaks to corporations, Washington has in effect made Philip Morris a philanthropic arm of the government," Miller said. "The irony is that creates a situation where the tobacco companies come into a community with a more progressive attitude about supporting the community than the government."

The irony will continue until someone becomes a true eco-warrior to break the cycle. Until then, Philip Morris will give new meaning to the term silent spring.

LANGUAGE: ENGLISH

LOAD-DATE: July 2, 1997

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437959



The Massachusetts Chapter Blue Water Task Force

The Massachusetts Surfrider Foundation's Blue Water Task Force is dedicated to eliminating all pollution into the Northern Atlantic Ocean.

Objective

Currently, there are many sources of pollution impacting the Gulf of Maine, Southern New England Coast, and the Northern Atlantic Ocean. We need to understand where the pollution comes from and how it impacts the ocean environment.

Methods

Our top priority is have the state develop a comprehensive and valid water quality monitoring program. Many local groups and municipalities have water quality testing programs supporting various degrees of sophistication. We want the state to leverage these activities and augment them to assemble an comprehensive picture of water quality for the Massachusetts Coastline.

Join and Help!

We need your help! We can only keep the ocean clean with active involvement. If you have a particular location you are interested in or have specific skills that can help us, please contact us at MassSurf@aol.com.

Return to the Massachusetts Chapter of the Surfrider Foundation.
Massachusetts Surfrider Foundation / MassSurf@aol.com

2077437960

5

2077437961

Hawaii

Laws on the Books

Specific reference to "cigarette litter" was not detected in Hawaii ordinances.

Hawaii Litter Law (Hawaii Revised Statute 339 Chapter 11-68 "Litter Control: The administrative rules for the state of Hawaii enables the Director of Health to establish a litter control program, by the establishment of rules, by encouraging volunteer anti-litter campaigns, and by conducting educational programs intended to instill the anti-litter ethic¹.

Hawaii Statewide Traffic Code (Chapter 291C-132 Littering From Vehicles): No person shall throw, place, or drop litter from a vehicle on any highway. The driver of the vehicle may be cited for any litter throw, placed, or dropped from the vehicle. "Litter" means rubbish, refuse, waste material, garbage, trash, offal, or debris of whatever kind or description, whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass or solid waste. The court shall sentence any person convicted of the offense of littering from vehicles as follows: 1) For the first offense, defendants shall spend four hours of either picking up litter on public property or performing community service. 2) For any subsequent offense, defendant shall spend eight hours of either picking up litter on public property or performing community service. The court shall fine the person convicted of committing the offense of littering at least \$25, but not more than \$500².

State Legislative Activity

No pending legislative proposals could be identified in Hawaii.

Local Legislative Initiatives

Honolulu: Revised Ordinances of the City and County of Honolulu define litter as, "garbage, refuse, and rubbish." Rubbish is further defined as, "nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar material³. On October 31, 1994 a smoking ban was imposed on Hanauma Bay, located on the southeastern shore of Oahu. According to park officials Hanauma Bay was is one of the state's top visitor destinations at one time attracting as many as 3 million visitors per year⁴. James Mak, a researcher from the University of

¹ A Guidebook for the Hawaii State Environmental Review Process, State of Hawaii, October 1997

² Hawaii State Wide Traffic Code, <http://kumu.icsd.hawaii.gov/dot/291CPXII.HTM>

³ Revised Ordinances of the City and County of Honolulu 1990, www2.co.honolulu.hi.us/refs/roh/29.97b.

⁴ Susan Essoyan, New, Tips and Bargains; Smoking Banned on Hawaiian Beach, 01-01-1995

Colorado reported, until the ban, cigarette butts littered the beach and contaminated the water in the bay⁵.

Waikiki: In 1995 Waikiki became the states first non-smoking beach. Honolulu's City Council imposed the ban after arguments that cigarette butts polluted the water and endangered the colorful fish. The same law also bans smoking at the Honolulu Zoo and Koko Crater Botanical Garden⁶.

Key Groups, Programs and Projects

Hawaii Coastal Nonpoint Pollution Control Program: Authorized under the 1990 Coastal Zone Act Reauthorizing amendments enacted by congress. The act creates a new section 6217 entitled Protecting Coastal Waters and requires states in the program to develop and implement coastal nonpoint pollution control programs to be approved by the federal National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA)⁷.

University of Hawaii Sea Grant Extension Service: Sponsors an annual litter collection project, "Get The Drift and Bag It!" an international coastal clean up that takes place the third Saturday in September. In 1996 volunteers picked up and estimated 161,661 pounds of litter, which included over 40,000 cigarette butts. The most frequently recorded piece of refuse recovered were, for the seventh consecutive year, the plastic filters of cigarette butts⁸.

Ali Wai Watershed Water Quality Improvement Project: The goal of the project is to improve water quality in the Ali Wai Canal and its tributary streams. The project cited, litter including cigarette butts as a contributor to poor water quality⁹.

Surfrider Foundation USA: Sponsors and education campaign, "Hold Onto Your Butt! The Beaches and Street Are Not Your Ashtray." Established in 1984 the foundation has been dedicated to protecting the world's oceans and beaches through activism, education, and research. The foundation has its headquarters in San Clemente, California. Surfrider is a grassroots environmental organization with 25,000 members, 34 local U.S. Chapters including chapters in Florida, Hawaii, and Massachusetts. Surfrider receives financial support from individual members, philanthropic foundations, private sector companies, estates, employee groups, and other entities¹⁰.

⁵ James Mak, Sustainable tourism development: Managing Hawaii's "Unique" Tourists Resource-Hanauma Bay, Journal of Travel Research, University of Colorado, Spring 1995.

⁶ No Smoking on Hanauma Bay, The Arizona Republic, 01-08-1995.

⁷ Section 6217, www.Hawaii.gov/dbedt/czm/6217.html

⁸ Ray Pendleton, Water Ways, Honolulu Star Bulletin, 09-20-1997.

⁹ Ali Wai Watershed Water Quality Improvement Project, www.inix.com/alawai.

¹⁰ Making Waves to Save Our Oceans, www.guidestar.org/feature/feat0011.html

Get The Drift & Bag It: In 1996 volunteers for "Get The Drift & Bag It" collected 40,709 cigarette butts making them the number 1 item collected¹¹.

Fast Facts

- ◆ One individual spent \$20,000 to keep the streets of Waikiki Clean. Bob Hogan founded the company Hawaii Clean Sweep in 1985 he sold the program of street cleaning to Waikiki merchants who were to pay \$1 a day for the service. The company closed July 26, 1995 as a result of the United Airlines strike that strained tourism¹².

- ◆ June Watanabe, columnist for the Kokua Line thanks' an anonymous woman who goes to Kaimana Beach every morning and picks up cigarette butts on the beach¹³.

¹¹ How Long Does Trash Take To Return To Nature, www.soest.hawaii.edu/SEAGRANT/augmakai.html

¹² Nancy Davlantes, Hogan Not Tossing Out Litter Idea Yet, Pacific Business News, 09-09-1985.

¹³ June Watanabe, Kukua Line, 06-10-1997.

LEXIS·NEXIS

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)

Document 3 of 20.

Copyright 1995 UMI, Inc.; ABI/INFORM
Copyright University of Colorado 1995
Journal of Travel Research

Spring 1995

SECTION: Vol. 33, No. 4 Pg. 51-57; ISSN: 0047-2875; CODEN: JHREA9

LENGTH: 5269 words

HEADLINE: Sustainable tourism development: Managing Hawaii's "unique" touristic resource - Hanauma Bay

BYLINE: Mak, James; Moncur, James E T

BODY:

Hanauma Bay Nature Park is one of Hawaii's most popular natural attractions. Created by an underwater volcanic eruption some 35,000 years ago, it looks today like a partially submerged volcanic crater with one side open to the ocean, creating a bowl-shaped bay. Designated Hawaii's first Marine Life Conservation District in 1967, Hanauma Bay is a sanctuary for many species of marine life. The 10-acre park has two levels. The upper level consists of a parking lot, a viewing area, and a grassy area for picnics. The lower level consists of a grassy area, the beach, and the bay rim trails. The lower level is accessible from the parking level by a single lane road that is open only to pedestrian traffic and shuttle vehicles operated by a concession.

Hanauma Bay is much more than a beach park. In addition to sunning and swimming in a picturesque environment, visitors to Hanauma Bay Nature Park can feed and interact with marine life and explore the coral reef and other natural attractions (e.g., the Toilet Bowl and Witch's Brew). Because the bay waters are clamed and protected by the fringing reefs, it is an excellent place for snorkeling and scuba diving. Its enormous popularity is explained in part by its accessibility. Hanauma Bay is located less than 20 km from Waikiki, where most tourists stay. In 1975, about half a million visitors (including residents and tourists) visited the park (Wilson Okamoto and Associates 1992, p. 2). By 1985, park attendance had tripled to nearly 1.6 million visitors. By the late 1980s, annual visitations at Hanauma Bay had risen to roughly 2.8 million, or more than 7,500 persons per day (Hawaii Department of Business, Economic Development and Tourism). The increase in attendance was entirely attributable to nonresident tourists. While the total number of visitors to the bay increased nearly sixfold between 1975 and 1990, the resident visitor count remained virtually unchanged. Since the resident population of Honolulu increased by 17% between 1975 and 1990, the average number of visits to Hanauma Bay per person among residents actually declined. As a result, the proportion of residents visiting Hanauma Bay decreased dramatically. In 1975, 68% of the people randomly interviewed at Hanauma Bay were residents of Honolulu; by 1990 only 13% were local residents (Wilson Okamoto and Associates 1992, p. III-4).

The huge increase in visitations threatened both the natural environment and the quality of the visitor experience. A 1977 estimate of "recommended optimal use level" for Hanauma Bay was 1,363 persons per day, with 330 persons allotted for the upper picnic area, 408 for the lower grassy area, and 625 on

2077437965

The problems at Hanauma Bay indicate that not only must the use of the park be restricted, but it is also important to educate the public on the proper use of the park. To educate the public, the city parks department, the Friends of Hanauma Bay, and the University of Hawaii at Manoa's Sea Grant Extension Service cooperated to establish the Hanauma Bay Education Program (HBEP) in August 1990. The Sea Grant Extension Service and the city provided the start-up funds, while the Friends of Hanauma Bay supplied many of the initial volunteers for the on-site information/education table on the beach. Volunteers give information, lead tours, and interact with visitors to Hanauma Bay (Travers 1993, pp. 8-9). They also patrol the beach regularly to pick up trash and to offer appropriate fish food to visitors found feeding inappropriate food (e.g., frozen peas, bread, leftovers from picnics) to the fish. The city had earlier banned feeding human food to the fish. The staff of HBEP also conducts free outreach presentations to schools and community groups. For fiscal year 1993, the budget for the HBEP totaled nearly \$ 112,000.

Despite receiving one of 25 national Chevron Conservation Awards (Editorials 1993, p. A-6), HBEP still lacks a permanent funding source. In 1994 the education program was funded out of surplus monies found in the state's Department of Land and Natural Resources. Indeed, the city's Department of Parks and Recreation is so short of money that it wants the city to turn over the management of Hanauma Bay and all beach parks on Oahu to the state government by the year 2000 (Mossman 1994, p. A-3). The Hanauma Bay Task Force noted that if each visitor to Hanauma Bay contributed just 10 cents toward a fund designated for HBEP, it would generate enough money to run the current program and allow for modest program expansion (Travers 1993, p. 19).

The master plan for Hanauma Bay Nature Park also calls for significant facility improvements at Hanauma Bay (Wilson Okamoto and Associates 1992). These will require more time to implement. There are plans to build a visitor center on the upper level of the park by 1995 and to spend nearly \$ 4 million to relocate the lower level food concession to the upper level to reduce trash on the beach and in the water. Improvements to toilet facilities to prevent storm runoff and erosion and to handle sewage loads have also begun.

On October 31, 1994, a smoking ban was imposed at Hanauma Bay (Wright 1994, p. A-1). Until then, **cigarette butts** littered the beach and contaminated the water in the bay. Although violations carry a potential \$ 25 fine, park manager Alan Hong said that park staff and HBEP volunteers have been told not to confront violators. Park attendants have no authority to cite smoking violations and must rely on the Honolulu police to enforce the ban. Honolulu police said they will cite violators "only as a last resort" (Wright 1994, p. A-1).

Fish feeding by visitors had significantly increased the stock of fish at Hanauma Bay, particularly the aggressive varieties (Hong 1994b). As a result, crustaceans and seaweed had disappeared entirely from the bay. Given the huge increase in the fish population, it was deemed impractical to ban fish feeding immediately. Instead, the goal is to reduce fish feeding, leading eventually to a total ban. Annual underwater surveys of the fish population in the inner reef by divers from the state's Department of Land and Natural Resources have found that banning the feeding of human food to the fish -population has already reduced both the diversity and the volume of fish in the bay (Table 1). (All tables omitted).

Relationship between Improved Park Management, Visitor Education, and Park Protection

Figure 1, adapted from Dixon, Scura, and van't Hof (1993), relates the potential effects of improved park management and visitor education on Hanauma Bay's marine ecosystem. The horizontal axis measures the number of visitors (or visits) at Hanauma Bay, the most important determinant of environmental stress on the bay's ecosystem. ON measures the impact of visitors on the bay's ecosystem. A is the threshold level at which degradation of the bay's ecosystem becomes readily noticeable in the absence of improved park management practices and visitor education. The number of visitors that the park could accommodate corresponding to A is $V_{sub 2}$. Before the implementation of the 1990 management plan at the bay, the number of visits per year was at $V_{sub 1}$. Access restrictions imposed at the bay were intended to reduce the number of visitors to or below, thereby diminishing the level of environmental stress on the bay's ecosystem. (Figure 1 omitted).

2077437966

Implementation of improved management practices, such as banning smoking, removing pigeons, improving the sewage system to prevent sewage and washroom runoffs into the bay, and moving the food concession to the upper park level, could raise the threshold stress tolerance level to B, thus allowing the park to accommodate more visitors to V sub 1. Educating visitors on proper behavior at the park (e.g., do not walk on the reef; apply sunscreen lotion at least 20 minutes before entering the water) could further lower the degradation of the bay's ecosystem. Thus, visitor education could shift the line ON to ON'. The combination of improved management practices and visitor education implies that Hanauma Bay could accommodate more visitors - V sub 2 rather than V sub 0 -- without imposing unacceptable levels of stress on the bay's ecosystem. Consequently, fewer prospective visitors would need to be denied access to Hanauma Bay (i.e., from V sub 3 to V sub 2 instead of V sub 0). Thus, Figure 1 demonstrates that improved management practices and visitor education are important in increasing the effective carrying capacity of the bay, potentially minimizing economic losses to the tourist industry by allowing more visitors to visit the bay, and reducing welfare losses to potential visitors as a result of the access restrictions.

EFFECTIVENESS OF THE 1990 MANAGEMENT PROGRAM

The city encountered a number of problems in enforcing the 1990 Hanauma Bay Rules and Regulations. To circumvent the restriction preventing them from dropping off passengers at the park, tour operators instead bused their customers to a nearby shopping center or to residential neighborhoods and contracted with taxi companies to shuttle passengers to the park (Wagner 1993b, p. A-8). To close the loophole, the city implemented a new rule on January 4, 1994, limiting cabs to one passenger drop-off per day and allowing them 15 minutes to wait for a fare out of the park (Vickers 1994, p. A-3). Taxis must also abide by the no stopping-no standing restrictions in force along the highway fronting the park entrance. Honolulu police and taxicab investigators from the city finance department are expected to help enforce the new taxi restrictions.

Because of restrictions imposed on automobile access during the peak summer months, the entrance to the park is closed to car traffic by 8:25 a.m. when the 300 parking stalls are filled. During the 1994 Veterans Day holiday, during the off-peak tourist season, the park was closed by 11:30 a.m. Additional cars are permitted into the park to replace those leaving the park. Visitors have responded to the park closings by parking their cars at a scenic lookout a half mile away or in nearby residential neighborhoods and hiking along the steep highway to the park (Tangonan 1994, pp. A-1, A-2). This has caused numerous complaints from residents of affected neighborhoods. Park manager Alan Hong estimates that 500 visitors walk into the park or arrive at the park on mopeds each day. Many tourists have switched to taking the city bus that is not banned from the park. In response, park officials negotiated with transit officials not to increase the number of buses on the Hanauma Bay route. In sum, while the city has imposed access restrictions making it difficult for potential visitors to visit Hanauma Bay, the restrictions are not seamless. People still find ways to circumvent them.

Nonetheless, the restrictions have significantly reduced the number of visitors at Hanauma Bay Nature Park. Since instituting the management plan, the Hanauma Bay Task Force reported that between 4,000 and 4,500 people visit Hanauma Bay daily -- approximately half the former visitor count (Travers 1993, p. 8). In a recent (July 26, 1994) status report to the city council, Hong said that on July 4, 1994, the visitor count at Hanauma Bay between the hours of 8:00 a.m. and 4:00 p.m. was 4,492 compared to 4,392 on the same date in 1993. Before restrictions went into effect, the comparable daily census was about 8,000 (Hong 1994a).

Anecdotal evidence suggests that the park has seen substantial improvement. City parks director Walter Ozawa claimed, "the Hanauma Bay Management Plan is a huge success story" (Mariani 1991, p. A-6). Ozawa noted that more local residents were "revisiting the bay for the first time in a long time" (Mariani 1991, p. A-6). The park appears to be much cleaner and the water much clearer (Seto 1990, p. A-2; Mariani 1991, p. A-6). Hong (1994a) noted that there appears to be rejuvenation of coral inside the reef.

The education program has also been deemed highly successful. As one HBEP staffer said, "People didn't realize that walking on the reef caused a problem and that feeding fish leftovers from their picnic

could also cause a problem. . . . Once they became aware of it they wanted to change their behavior" (Mariani 1991, p. A-6).

Not everyone agrees, however, that the management plan is a "huge success." Tour operators were unhappy with the plan because it hurt business (Mariani 1991, p. A-6). A survey conducted by Leong of 71 tour and dive companies soon after the restrictions began found that among the 30 respondents revenue losses ranged from 8% to 31% (Leong 1990, p. 36). Twenty-two of the businesses indicated that they derived none of their business from Hanauma Bay after the imposition of the restrictions. Tourists, particularly those from Japan, who preferred to purchase Hanauma Bay tour packages were worse off after the implementation of the management plan since those tours were no longer available. Most of the companies responding to Leong's survey had previously derived more than half of their business from Japanese tourists (Leong 1990, p. 34). On the other hand, Canadian ecologist Vaclav Smil believes that the management plan does not go far enough. He argues that the park should be closed for one to two years to allow the ocean park to recover. "What's the point of allowing all these Japanese school girls or plumbers from Missouri to trample on it? These are unique places" (TenBruggencate 1994, p. A-3).

EVALUATION CRITERIA

It is difficult to determine whether the Hanauma Bay management plan is a "huge" success or a failure without prior evaluation criteria. We suggest that the following criteria be used in evaluating the Hanauma Bay management plan:

- (1) the protection of the park's natural environment for current and future users;
- (2) political and legal viability;
- (3) reasonable access for local residents;
- (4) fairness to all concerned parties;
- (5) generation of revenues to pay for park-related maintenance and capital expenditure; and
- (6) enforceability.

The current Hanauma Bay management plan has generally satisfied the second criterion. It is premature to determine whether criteria 1, 3, and 6 have been met. Although congestion and misuse of the bay have been reduced, it is uncertain whether the city will be able to limit visitors to 2,000 at a time as the number of tourists to Hawaii continues to increase and people still find ways to circumvent the access restrictions. Enforcement of park rules and ordinances is difficult as park attendants lack legal authority to cite violators, since the parks department does not want to confront tourists. Furthermore, because the education program still lacks permanent funding, its education materials and services reach only those visitors who go to the education desk. Moreover, no provisions were made in either the management plan or the master plan to make funds available for research on the bay's marine ecosystem carrying capacity. While restrictions imposed on tour operators probably improved park access for local residents, park manager Hong said recently (Hong 1994b) that there has been no study conducted to determine whether more local residents are visiting the park.

The 1990 management plan clearly failed to meet criteria 4 and 5. As noted earlier, some tour operators and tourists are worse off after the implementation of the management plan -- at least in the short run. Indeed, all the tour operators felt that the restrictions were unfair "for some of the affected parties" (Leong 1990, p. 71).

Taxpayers are also worse off, since the additional expenditures incurred to implement the management plan were not recovered by levying user (i.e., admission) fees. Presently, three commercial concessions provide all the revenues generated at the park. The food concession pays \$ 32,000 per month to the city. A snorkel equipment rental concession was paying \$ 43,000 per month in fees to the city before the implementation of the management plan but now pays \$ 39,500 per month due to reduced business. The

2077437968

shuttle bus concession fee contributes an additional \$ 6,000 monthly to the city. Thus, concession revenues are nearly \$ 1 million per year but have declined slightly since the management plan went into effect. The lower visitor counts have allowed small savings due to less frequent trash collection and lower sewage fees. But the additional cost to implement the management plan was approximately \$ 210,000 a year to pay parking attendants, a park manager, a recreation specialist, and attendants (Leong 1990). Capital improvements have so far exceeded \$ 850,000. The total Hanauma Bay annual budget is about \$ 750,000 per year, excluding capital costs, lifeguards, and the Hanauma Bay Education Program (Hong 1994b). The current management system produces only costs, not revenues.

In sum, rather than considering it a "huge success," we would rate the management plan a partial success. We believe it can be improved.

THE CASE FOR AN ADMISSION FEE

The lesson of Hanauma Bay is an example of the well-known problem of the exploitation of common property resources; that is, in the presence of sufficient demand, unrestricted access will cause common property to be overexploited (Tietenberg 1994, p. 39). The current restrictions at Hanauma Bay to reduce visitations at the park rely strictly on nonprice rationing to allocate a scarce resource. At Hanauma Bay, this means that access is determined on a first-come, first-served basis. Scarcity rents that otherwise could have been collected via admission fees to fund park programs are instead dissipated by visitors circling East Honolulu in their cars until they can get into the park's parking lot, or walking long distances to the park, or incurring high costs (e.g., hiring a taxi) to circumvent park access restrictions. Clarke and Ng (1993) have shown that in the presence of congestion externalities residents would be better off even though they also have to pay the admission fee, provided that total revenues generated from the admission fee are redistributed to them. Without the fee, Honolulu residents are worse off since they enjoy less consumer surplus with increased tourist use of Hanauma Bay without receiving compensating revenues. Levying an admission fee can also be justified on the equity benefits principle; that is, people who benefit from public services should pay for the benefits received (ACIR 1987, pp. 27-34).

Charging an admission fee could yield several benefits. It would induce visitors who only want to sun and swim to go to the city's numerous beach parks, enabling the city to maintain Hanauma Bay primarily as a marine park and not just another beach park. A survey of 301 visitors at Hanauma Bay during the 1994 Veterans Day holiday weekend (detailed below) found that 96 visitors (or 31.9%) never participated in either snorkeling or diving at the bay. Charging an admission fee may enable the city to improve equity among tourists by relaxing current restrictions on commercial tour and transport companies. It would also alleviate parking congestion and littering in nearby neighborhoods. The admission fee could be used to fund the Hanauma Bay Education Program and pay for park management, maintenance, research, and improvements, thus relieving financial burden on the general taxpayer. With only a single narrow access road down to the beach, an admission fee could easily be collected.

The drawback to charging an admission fee is that it may not be politically viable (Tangonan 1993, p. A-9). A bill proposing to impose both a parking fee and a \$ 5 single entry admission fee (or \$ 15 annual pass) to the lower level of Hanauma Bay and earmarking the money for park improvements was introduced in the city council in 1993 (Bill 152) but was opposed by the city administration. Walter Ozawa, director of parks and recreation, argued that "tourists would gladly pay the one-time fee to visit the park. However, such a fee would not be fair to our residents, who look forward to regularly visiting the bay for recreation" ("City Does Not Support" 1993-94, p. A-4).

To ascertain the willingness of visitors to pay the proposed admission fee, an intercept survey was conducted at Hanauma Bay during the 1994 Veterans Day holiday weekend (November 11-13). Students from the University of Hawaii at Manoa undergraduate environmental economics class asked 301 Hanauma Bay visitors if they would be willing to pay the proposed \$ 5 single entry admission fee. The exact wording of the question was:

A 1993 city council bill proposed to charge \$ 5 per person admission fee to Hanauma Bay. If this charge

2077437969

were levied, would you still have come today?

The responses were as follows:

(Table omitted).

Local residents, who normally comprise less than 15% of total visitors at Hanauma Bay, were intentionally oversampled in the survey in order to obtain more reliable results. As expected, the survey indicated that a \$ 5 admission charge would deter some tourists and residents from visiting Hanauma Bay. However, Hawaii residents (both from Oahu and from the neighbor islands) were less willing to pay the proposed \$ 5 admission fee than nonresidents.

Visitors were also asked whether they would prefer an admission fee or the current first-come, first-served allocation system. The exact wording of the question was:

Hanauma Bay Nature Park has been overcrowded and misused. To reduce crowding and protect the environment, which of the following policies would you prefer: (a) charge an admission fee so fewer people would come; or (b) keep the current first-come, first-served system?

The responses were as follows:

(Table omitted).

Again, most of the tourists preferred an admission fee to nonprice rationing and the opposite was true of residents. However, the actual percentage in favor of an admission fee may be biased downward because the survey did not include people who were deterred from visiting the park on the survey days due to the access restrictions.

The survey clearly reveals why local politicians are reluctant to levy an admission fee at Hanauma Bay: too many of their constituents do not want to pay! One solution is to charge a lower admission fee to local residents. For instance, the state-operated aquarium charges an admission fee of \$ 6 for nonresidents and \$ 4 for Hawaii residents. Kamaaina (local resident) discounts are widely offered at tourist attractions, nightclubs, and hotels in Hawaii (Glauberman 1995, pp. C1-C2). Free admission could be offered to school groups. Another solution is to designate specific days each month when local residents would be admitted free. For example, Honolulu's Bishop Museum, with financial support from corporate sponsors, designates the first Sunday of each month as Family Sunday when Hawaii residents are permitted to visit the museum free of charge. Daily and annual family passes could also reduce the price of admission to local residents.

Lawmakers often are reluctant to levy admission fees at publicly provided outdoor recreation areas because they believe the fees are regressive (i.e., admission fees fall more heavily on low-income residents). Therefore, the city imposes only nominal admission fees -- if any at all -- at public beaches and parks for all visitors. However, when compared to the most important local tax -- the property tax -- user fees may or may not be more regressive (ACIR 1987, p. 37). In the case of Hanauma Bay, most of the visitors are high-income tourists and are unlikely to be put off by admission fees. Given Hanauma Bay's popularity, political opposition may still prevent lawmakers from levying a fee that is high enough to prevent overcrowding at the park. Some tour operators believe that it may require an admission fee of \$ 30 to \$ 40 per person to reduce tourists' demand for Hanauma Bay visits by 50% (Hong 1994b). Nonetheless, the results of the above survey indicate that a \$ 5 single entry admission fee can help reduce demand and protect the bay while generating revenues to provide improved park facilities and services.

CONCLUSION

The Hanauma Bay case study suggests a number of useful lessons:

(1) In the presence of sufficient demand, unrestricted access to any common property resource will cause that resource to be overexploited. Without restrictions, tourism that relies on unpriced natural resources will ultimately destroy the very resources on which it depends. Thus, short of privatization, sustainable tourism development is likely to require government intervention and regulation. Industry

2077437970

self-regulation is unlikely to work when both demand and the number of vendors are large as it is difficult to reach agreement and to enforce compliance.

(2) Recreational resources can be rationed using price or nonprice rationing methods. Depending on which method is used, the distribution of benefits and costs (i.e., who gains and who loses) varies among consumers. Price rationing using admission/user fees is less frequently used in allocating outdoor recreational resources than nonprice rationing (e.g., first-come/first-served, permit system, lottery system, reservation system, and so on), partly because admission fees are politically unpopular and partly because they are believed to be regressive. Where admission fees are charged, they are typically low and designed primarily to raise modest amounts of revenue rather than to reduce demand. We argue that on both efficiency and equity grounds, user fees should be more widely used to ration scarce recreational resources and to provide revenues to maintain them. To the extent that residents who are nonusers also benefit from a protected unique natural resource, one could justify a continuing role for public subsidy in some form.

(3) At the recent (September 1994) Second Global Conference, Building a Sustainable World Through Tourism, held in Montreal, some 200 "success" stories in sustainable tourism development from around the world were presented. However, there was no session organized to define operational measures of success. That was left to each presenter. In most stories, no explicit criteria were stated. In this case study, we offered six criteria to evaluate whether the management plan implemented at Hanauma Bay has been a success or failure. Perhaps there should be more. Furthermore, we offered no suggestion on how these criteria should be weighted. We hope this case study will generate discussion among tourism researchers on these issues.

BIBLIOGRAPHY: REFERENCES

- ACIR (U.S. Advisory Commission on Intergovernmental Relations) (1987). *Local Revenue Diversification: User Charges*. SR-6, October. Washington, DC.
- Anderson, Terry L., and Donald R. Leal (1991). *Free Market Environmentalism*. Boulder, CO: Westview Press.
- "City Does Not Support Bill to Charge Bay Fees Hawaii Kai Sun Press, December 34 1993-January 5, 1994: p. A-4.
- Clarke, Harry R., and Yew-Kwang Ng (1993). "Tourism, Economic Welfare and Efficient Pricing." *Annals of Tourism Research*, 20 (4): 613-32.
- Dixon, John A., Louise E Scura, and Tom van't Hof (1993). "Meeting Ecological and Economic Goals: Marine Parks in the Caribbean *Ambio*, 22 (May): 117-25.
- Editorials (1993). "Selling Hawaii, the Job Begins at Home." *Honolulu Advertiser*, July 28: A-6.
- Glauberman, Stu (1995). "How Locals Rate Honolulu Advertiser, January 30: C-1, C-2.
- Hastings, Barbara (1989). "The Spoiling of Hanauma Bay Honolulu Star Bulletin, September 3: A-1, A-4.
- Hawaii Department of Business, Economic Development and Tourism. *Data Book (annual)*. Honolulu: Hawaii Department of Business, Economic Development and Tourism.
- Hawaii Department of Land and National Resources. *Statewide Marine Research and Surveys, Survey of Fish and Habitat*. Project No. F-17-R-18. Honolulu: Hawaii Department of Land and Natural Resources.
- Hong, Alan (1994a). Status report on Hanauma Bay presented to the Honolulu City Council. July 26.
- (1994b). Presentation given to environmental economics class, University of Hawaii. November 1.
- Leong, Karen (1990). "Interaction between Public Sector and Private Sector Groups in the Implementation of Recreational Management Policies, Hanauma Bay: A Case Study M.A. thesis, University of Hawaii at Manoa.
- Leong, Paul (1994). Office of the Chief Budget Officer, City and County of Honolulu, personal communication, December 7.
- Mariani, Jeanne (1989). "Hanauma Bay Rescue Plan Upsets Tour Firm" *Honolulu Star Bulletin*, October 28: A-3.
- (1991). "City Has a Winner at Hanauma Bay." *Honolulu Advertiser*, October 11: A-3, A-6.
- Mossman, Bill (1994). "Parks Department Wants City to Give Up Control of Beaches Hawaii Kai Sun Press, September 1-7: A-9.
- Seto, Benjamin (1990). "New Rules Help Hanauma Bay." *Honolulu Star Bulletin*, September 24: A-2.
- Tanganan, Shannon (1994). "Folks Keep On Truckin' to Hanauma Even When Lot Full Honolulu Advertiser, January 6: A-1, A-2.

2077437971

-- (1993). "Some Residents Say No Way to Hanauma Bay Fee Plan Honolulu Advertiser, October 1: A-9.
TenBruggencate, Jan (1994). "Rx for Bay: Ecologist Urges Two-Year Closure to Let Park Recover Honolulu Advertiser, August 19: A-3.
Tietenberg, Tom (1994). Environmental Economics and Policy. New York; Harper Collins College.
Travers, Dorian (1993). Hanauma Bay Task Force, Final Report Submitted to the Eighteenth Legislature, State of Hawaii. Honolulu: University of Hawaii at Manoa, Sea Grant Extension Service.
Twigg-Smith, Desmond (1990). "More Sand Seen at Bay Honolulu Advertiser, February 19: A-3.
Vickers, Melissa (1994). "Only One Cab Drop-off Per Day to Hanauma Honolulu Star Bulletin, January 5: A-3.
Wagner, Peter (1993a). "Hanauma Bay, Visitors Threaten the Bay's Fragile Treasure." Honolulu Star Bulletin, July 30: A-1, A-8.
-- (1993b). "Taxis, Vans Bypass Bay's Drop-off Law." Honolulu Star Bulletin, July 30: A-8.
Wilson Okamoto and Associates, Inc (1977). Hanauma Bay Beach Park Sire Development Plan. Honolulu: City and County of Honolulu. (1992). Hanauma Bay Nature Park Master Plan. Honolulu: City and County of Honolulu.
Wright, Walter(1994). "Hanauma Puffers Outlawed, Unless You're a Blowfish Honolulu Advertiser, November 2: A-1.
James Mak is in the Department of Economics and the Social Science Research Institute at the University of Hawaii at Manoa. James E. T. Moncur is in the Department of Economics and the Water Resources Research Center at the same institution. An earlier version of this paper was presented to the Second Global Conference on Tourism, Building a Sustainable World Through Tourism, held in Montreal, Canada, September 12-16, 1994. The authors thank John Dixon and Louise Scura for helpful comments.

GRAPHIC: Charts; Graphs; References

LANGUAGE: ENGLISH

JOURNAL-CODE: JTR

AVAILABILITY: Full text online. Photocopy available from ABI/INFORM 15826.01

ABI-ACC-NO: 01021383

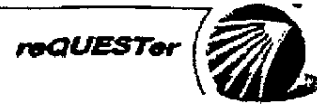
LOAD-DATE: March 12, 1996

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437972

LEXIS-NEXIS



[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]

Document 4 of 20.

Copyright 1995 Phoenix Newspapers, Inc.
THE ARIZONA REPUBLIC

January 8, 1995 Sunday, Final Chaser

SECTION: TRAVEL; Pg. T1

LENGTH: 94 words

HEADLINE: NO SMOKING ON HANAUMA BAY

BYLINE: Compiled from reports by Knight-Ridder Tribune, Deutsche Presse Agentur, The Washington Post and The New York Times News service.

BODY:

~~Many years ago, Hawaii's Hanauma Bay became a protected bay whose reef life attracted thousands of tourists. Then a few years ago, restrictions were imposed on the number of people admitted each day. Now the bay, half an hour from Waikiki has become the state's first non-smoking beach.~~

Honolulu's City Council imposed the ban after arguments that **cigarette butts** polluted the water and endangered the colorful fish, which come right to the feet of wading tourists. The same law also bans smoking at the Honolulu Zoo and Koko Crater Botanical Garden.

LANGUAGE: ENGLISH

LOAD-DATE: January 11, 1995

[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]
[About LEXIS-NEXIS] [Terms and Conditions]

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437973



Section 6217

The quality of its coastal waters are very important to the economy of the State of Hawaii. Problems may result from polluted runoff or nonpoint source pollution. Common NPS pollutants include soil, fertilizers, oil, litter, lawn clippings, and cesspools. The consequences of NPS pollution are water-borne diseases, algae blooms, fish kills, and turbid waters. In 1990, congress enacted the Coastal Zone Act Reauthorization Amendments by adding a new Section 6217 entitled *Protecting Coastal Waters* . It required that states with CZM programs to develop and implement coastal nonpoint pollution control programs be approved by the federal National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA).

Section 6217, seeks to strengthen links between federal, state, and county coastal zone management and water quality programs in order to protect coastal water quality from NPS pollution. Section 6217 requires states to submit a coastal nonpoint pollution control management plan. The purpose of the plan is to describe the programs and actions taken to control polluted runoff and maintain water quality standards.

The Hawaii Coastal Nonpoint Pollution Control Program Management Plan seeks to meet the program components required under Section 6217.

Part I: Describes Hawaii's environment, defines the program's management area, and highlights types and sources of NPS pollution in Hawaii.

Part II: Outlines mechanisms for coordinating the coastal NPS pollution control program.

Part III: Describes the means of implementing the management measures for agriculture, forestry, urban, hydromodification, and marina activities, and for the protection and restoration of wetland and riparian areas.

Part IV: Summarizes the requirements for developing additional management measures, describes the state's threatened and endangered waterbodies, and outlines the requirements for technical assistance.

Part V: Describes the opportunities for public participation in the program development and implementation processes, and highlights public educational efforts throughout the state.

Part VI: Outlines the federal, state, and county agency agencies that play a role in implementing the coastal nonpoint pollution control program.

Part VII: Describes state state's monitoring efforts.

Part VIII: Glossary.

Part IX: References.

Request for Public Comments on NOAA and EPA's draft Findings and Conditions for Hawaii's Coastal Nonpoint Pollution

2077437974

Control Program (CNPCP)

May 14, 1998

To Interested Persons:

For your information, the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) have published a notice in the Federal Register announcing the availability of the final draft Findings and Conditions for Hawaii's Coastal Nonpoint Pollution Control Program (CNPCP). This Findings and Conditions document is the culmination of NOAA and EPA's review of Hawaii's CNPCP. It grants the State conditional approval of its program and enumerates conditions which Hawaii must fulfill to receive full approval.

We have worked extensively with NOAA and EPA during their development of these Findings and Conditions. Despite reviews of several drafts and numerous conference calls and meetings, the final draft document does not address several of our substantive and long-standing concerns about the CNPCP and NOAA and EPA's expectations. Briefly, our outstanding concerns on the Findings and Conditions document are as follows:

- Some of the federally mandated management measures cannot be implemented in an economically achievable manner in Hawaii, given the State's unique economic, political, and geophysical characteristics. Furthermore, the opinions of local technical experts should prevail over federal technical experts in the event of disagreements over the achievability of management measures.
- Timeframes for addressing conditions and implementing the program are not achievable given current funding levels. More resources are needed for the State to develop appropriate management measures and effectively implement the program.
- NOAA and EPA expect the State to have oversight authority or back-up enforcement authority over all aspects of the implementation of the CNPCP at the county level. This requirement is inconsistent with the constitutional and historical political relationships between the State and the Counties.

Clean coastal water quality and improved control of polluted runoff remain State priorities. We are committed to developing a CNPCP that our State and County agencies and other organizations can implement to make meaningful improvements to coastal water quality and polluted runoff control. We are working with these agencies and affected stakeholders to develop a program that is most appropriate for Hawaii. Only through partnerships with stakeholders (agencies, university, non-government organizations, and individuals), which entails listening to expertise and working together to develop appropriate mechanisms and measures, will we be able to develop an effective and successful Hawaii CNPCP.

NOAA and EPA will accept public comments on the draft Findings and Conditions document until June 15, 1998. This is a good opportunity for stakeholders and interested persons to express their opinions and ideas about the program. We are also interested in receiving your comments and recommendations to improve Hawaii's CNPCP.

If you have questions about the Hawaii CNPCP final draft Findings and Conditions document or this letter, please do not hesitate to contact Randall Rush or Steve Olive of our staff at (808) 586-4348 or (808) 587-2877 respectively.

Sincerely,

Rick Egged
Director
Office of Planning

Bruce Anderson, Ph.D.
Deputy Director
Department of Health

[Back](#)

2077437976



Cleanup Effort Helps Put Litter in It's Place

Water Ways

Honolulu Star Bulletin (09/20/97)

By Ray Pendleton



Were you out there today? If so, congratulations for doing a great job!

Today was "Get the Drift and Bag It!" Day and from 8:30 to noon, hundreds of volunteers undertook a massive cleanup of Hawaii's shorelines and harbors.

With sponsorship from the University of Hawaii's Sea Grant Extension Service, the State Office of Planning's Coastal Zone Management Program and the Governor's Committee for a Beautiful Hawai'i, today's coastal cleanup was a part of an annual international event that occurs on the third Saturday of every September.

Get the Drift and Bag It is more than just a litter removal activity, it is a partnership between government, business and the public to actively identify and quantify the debris that is picked up and then use that information to change minds, behaviors and laws.

Last year this international coastal cleanup took place in over 90 countries and had over a quarter of a million volunteers, including some 25,000 SCUBA divers.

In the U.S. alone, 2.9 million pounds of trash was picked up, which amounted to a little more than 19 pounds per each of the 151,502 volunteers taking part.

As each individual piece of refuse was collected - be it a junked car or a paper cup - volunteers recorded the find on a data card and the accumulated results of that tally illuminates our pollution problem. As the National Center for Marine Conservation says in it's summer newsletter, the data creates a "dirty dozen" out of nearly two-thirds of the items recovered.

In the 12th position were plastic foam cups. These were followed in order of increased frequency by plastic beverage bottles, glass beverage bottles, metal beverage cans, plastic straws, glass pieces, paper pieces, plastic caps and lids, plastic food bags or wrappers, plastic foam pieces, and plastic pieces.

Perhaps to no one's surprise, the most frequently recorded pieces of refuse recovered were - for the seventh consecutive year - the plastic filters of cigarette butts. Such a statistic should cause smokers embarrassment as it clearly shows that they alone cause the most frequently found form of pollution along our nation's shorelines.

In Hawai'i, the general nature of the trash cleaned up was consistent with the national count. Last year's 3,785 volunteers picked up an estimated 161,661 pounds of litter, which included over 40,000 cigarette butts, the most pervasive item to be found.

Of course, in a litter cleanup this large, there were also many unusual items recorded last year. A fact sheet for the Get the Drift and Bag It program lists such recovered things as: an automobile steering wheel, a television, a video recorder, Tarot cards, a jockstrap, a bag containing 20 coconuts, and last, but not least, a Ford Tempo.

Also paralleling the national list was the nature of Hawaii's other most abundantly found items such as: bottles, food wrappers, paper and plastics - they are all

2077437977

recyclable.

"This list," according to the Center for Marine Conservation, "highlights a critical issue related to solving the marine debris problem in and along our lakes, rivers, beaches and ocean. It is one of citizen responsibility and environmental stewardship. Every piece of trash collected during the Cleanup has a person's face behind it.

"People are the cause of for this pollution problem; they are also the solution."

Today's volunteers were definitely taking an active part in finding the solution.

More Water Ways



Hele on Back

2077437978

ALA WAI

Watershed Water Quality Improvement Project

Fact Sheet | Projects | Vision

Purpose

The purpose of the project is to improve water quality in the Ala Wai Canal and its tributary streams. The Ala Wai Canal Watershed Management Coordination is a two year project by the City and County of Honolulu and the State of Hawaii (Department of Health). ~~It is being conducted under a federal court consent decree because of alleged~~ ~~violations of the federal Clean Water Act.~~ The consent decree is in the form of a City-DOH (Department of Health) Project Agreement. The Canal's watershed (16.3 sq. mi.) includes all of Palolo and Manoa Valleys, parts of Kaimuki, Diamondhead and Kapahulu, Moiliili and Makiki, and much of Waikiki. The project started in March 1996.

Leadership

The project is managed by an independent environmental planning contractor and a Steering Committee which including agencies, groups and the public. The environmental planner, Eugene P. Dashiell, is the project coordinator and chairperson of the Steering Committee. His firm is responsible for implementing the City-DOH Project Agreement on behalf of the City (Department of Public Works) and the State (Department of Health). Other government agencies, elected officials and community groups are members of the Steering Committee.

Products

The Steering Committee will prepare a Watershed Management Plan with implementation measures. The initial part of the Watershed Management Plan was drafted in 1996 and resulted in a set of practical early action tasks (called Best Management Practices) which can be initiated in 1997. These include: a) soil erosion reduction in urban and conservation areas, and placement of floating debris-catching booms at outlets to the Ala Wai Canal; b) a legislative action program for project funding which was submitted to the legislature in January 1997. The draft Watershed Management Plan will be prepared during 1997 with public input and the help of the Steering Committee. It will submitted after the public comments have been reviewed and incorporated in March 1998. Our Steering Committee has proposed legislation for clean-up funds (SB 1887).

Proposed Ala Wai Canal Dredging

A major project proposed by the City and the State is the dredging of the Canal. This project (avg. annual cost = \$1.5 million) needs to be repeated every 10 years

2077437979

because of the build-up of eroded soil and contaminants in the Canal. The canal was last dredged in 1978. There is a need for continuing and long-term action in the entire watershed if the streams, groundwater and the Ala Wai Canal are to have improved water quality. The central Honolulu waterways must meet high standards for public health and appearance as a benefit to the community and visitors, and to help reduce the recurring expense of this costly dredging. In 1997, the City begin to prepare an environmental assessment for dredging the Canal.

Nine Major Issues

There are at least nine major issues regarding water quality problems in the Ala Wai Canal watershed.

- There is a risk in Wakiki of flooding caused by the silted condition of the Canal.

- Litter reduction and clean-ups are needed along the highways and roads and in the streams. Problems include trash in streams, cigarette butts and litter along roads and highways.

- The canal, streams and watershed are vital and beautiful resources and there is a need for educational programs for students, residents, businesses, agencies and visitors to not litter.

- The canal and streams are highly visible aspects of the urban environment could be more attractive by clean-ups of flowing waters, development of green belts and plantings along stream banks and consideration for stream flows which support aquatic life.

- A significant share of the sediment in the Ala Wai Canal may be caused by erosion of stream banks and possibly from erosion in the Conservation District (45 percent of the watershed). Soil erosion control measures would be beneficial throughout the watershed .

- Contaminants in the Ala Wai Canal sediments originate from vehicles (250,000 plus daily) and from urban land uses (termiticides, nutrients in fertilizers) in the watershed. Recently, dieldrin (a termicide) was detected in a Kaimuki well. The proportional share of the clean-up effort needs to be identified.

2077437980

• Health issues of canoe paddlers in the Ala Wai Canal have been raised and this needs to be addressed. Leptospirosis in streams limits our recreational use of them and eradication should be considered.

• People should not eat fish or crabs caught in the Canal or the Manoa-Palolo Canal because they contain termiticides which may increase the risk of cancer in humans.

• The Canal water can be more clear and less odorous by pumping sea water to the upper end of the canal. This and other proposed clean-up projects were submitted to the State legislature in January 1997 for funding.

For Information & to Participate

Call or write: Eugene P. Dashiell, AICP, Ala Wai Canal Watershed Management Coordinator, 1314 So. King St., Ste. 951, Honolulu, Hawaii 96814. Telephone or FAX: 593-8330 or E-mail to: dashiell@lava.net.

Land Use	Acres	Percent of Total
Total Land (16.3 sq. mi.)	10,714	100
Urban District	5,996	56
Conservation District	4,718	44
Forest and Shrub (Conservation District)	4,718	44
Residential & Commercial (Urban District)	3,763	35.1
Roads and Highways (Urban District)	1,123	10.5
Schools (704 ac.), Parks (263 ac.), Military (38 ac.) (All Urban Dist.)	1,005	9.4
Agriculture (Urban District)	105	1.0

OTHER INFORMATION

Item	Amount	Percent of Total
------	--------	------------------

2077437981

Population, Residents and Visitors, Oahu	836,231	100
Watershed Total	150,419	18
Kaimuki	20,471	2
Diamond Head/Kapahulu	17,877	2
Palolo	13,465	2
Manoa	22,345	3
McCully/Moiliili	28,466	3
Waikiki	19,768	2
Makiki/Tantalus	28,027	3
Passenger Vehicles, Oahu, 1993	483,237	100
Watershed Pass. Veh. Resident, estimate	86,983	18
Watershed Traffic, (1989) vehicles/day	250,000	52
Frequency of canal dredging. Construction	1920 to 1928	
1st Maintenance Dredging	1966	
2nd Maintenance Dredging	1978 to 1979	
Fresh water [mgd (million gallons per day)], average flow.	21	
Sediment (estimates, tons per year) – total	18,739	100
from Conservation District	14,372	77
from Urban District	4,367	23
from construction sites (Urban District)	2,116	11
from urban lands (Urban District)	1,819	10
from agriculture land (Urban District)	432	2
Nutrient - Nitrogen, total average annual, lbs/day, incl. cesspools.	132.2	100
Cesspools	42	32
All non-point sources	90.4	68
Conservation District non-point sources	67.1	51
Urban District non-point sources	13.7	10
Natural groundwater/springs	9.4	7
Nutrient - Phosphorous, total avg. annual, lbs/day, incl. cesspools.	54	100
Cesspools	11	20
All non-point sources	43	80
Conservation District non-point sources	17.3	32
Urban non-point sources	22.4	41
Natural groundwater/springs	3.3	6

2077437982

Population, Residents and Visitors, Oahu	836,231	100
Watershed Total	150,419	18
	20,471	2
Kaimuki	17,877	2
	13,465	2
Diamond Head/Kapahulu	22,345	3
Palolo	28,466	3
Manoa	19,768	2
	28,027	3
McCully/Moiliili		
Waikiki		
Makiki/Tantalus		
Passenger Vehicles, Oahu, 1993	483,237	100
Watershed Pass. Veh. Resident, estimate	86,983	18
Watershed Traffic, (1989) vehicles/day	250,000	52
Frequency of canal dredging. Construction	1920 to 1928	
1st Maintenance Dredging	1966	
2nd Maintenance Dredging	1978 to 1979	
Fresh water [mgd (million gallons per day)], average flow.	21	
Sediment (estimates, tons per year) -- total	18,739	100
from Conservation District	14,372	77
from Urban District	4,367	23
from construction sites (Urban District)	2,116	11
from urban lands (Urban District)	1,819	10
from agriculture land (Urban District)	432	2
Nutrient - Nitrogen, total average annual, lbs/day, incl. cesspools.	132.2	100
Cesspools	42	32

2077437983

All non-point sources	90.4	68
Conservation District non-point sources	67.1	51
Urban District non-point sources	13.7	10
Natural groundwater/springs	9.4	7
Nutrient - Phosphorous, total avg. annual, lbs/day, incl. cesspools.		
Cesspools	11	20
All non-point sources	43	80
Conservation District non-point sources	17.3	32
Urban non-point sources	22.4	41
Natural groundwater/springs	3.3	6

Note: Pollutant estimates based on computer model results. Source: *Revised Total Maximum Daily Load Estimates for Six Waer Quality Limited Segments, Island of Oahu, Hawaii*, State of Hawaii Department of Health, William Freeman, November 1993.

Land use data, City and County Department of Public Works.

SUMMARY OF RECENT REPORTS -- WATER QUALITY OF ALA WAI CANAL AND TRIBUTARY STREAMS

S = Significant source, L = Less significant source, N = Not significant source

(The use of S, L or N reflects our estimate of the source and is not an estimate by the author of the subject report.)

Title and Date	Agency or Primary Author	Type of Pollutant	Possible Source Location		Pollutant Sources
			Conserv. Dist.	Urban District	
A Management Plan for the Ala Wai Canal Watershed, October 1992.	Dept. Land & Natural Res., Edward K. Noda & Assoc. & Jeff Fox & Will Freeman of the East West Center.	Bacteria - Fecal Coliform, Leptospirosis	S	S	Wld & domestic animal waste, cesspools.
		Nutrients - Nitrogen	S	S	Rainfall, nitrogen-fixing plants, decaying plants, animal wastes, possible automobile exhausts.

Phosphorous	L	S	Fertilizers, domestic pet wastes, natural soil (inorganic), groundw and organic sources.
Heavy Metals - Mercury	L	L	Natural rocks/soils, fluorescent bulbs (streamside dumping), som marine paint (residue of previous hull-cleanings).
Cadmium	N	L	Fertilizers, batteries, paints, plastics, photo-proccssing, plated iro (nuts, bolts), automobiles.
Lead	N	S	Leaded Gas.
Copper	L	L	Natural soil, some marine paint, some pesticides, automobile part
Zinc	L	L	Natural soil, some marine paint, tires, automobile parts.
Arsenic	N	L	Some herbicides, including golf course use.
Nickel	N	N	Manoa soils, possible local basalt gravel in paving material, automobile parts.
Pesticides - DDT, DDD, DDE	N	L	Banned by EPA, generally declining, low levels in Ala Wai sedi
Dieldren	N	S	Use as termicide cancelled in 1987. Low and declining levels, bu possible health risk from eating fish caught in the Canal.
Chlordane & Heptaclor	N	L	Use as termicide cancelled in 1988. Low levels, probably decling possible health risk from eating fish caught in the Canal. Existing stock can be used by individuals.
PCB	N	N	Transformers. Low levels.

2077437985

	Sediment	S	L	Majority of sediment originates "naturally" in higher parts of the watershed, some urban contributions.
	[REDACTED]	L	S	Cans, plastic, cigarette butts, shopping carts, about 1/3 organic d (leaves, branches) which is partly natural and partly human gener
	Garbage/debirs/rubbish	N	S	Fluorescent light bulbs, automobiles and parts, tires, scrap materi TV sets, refrigerators, couches, furniture.

Ala Wai Canal Project

Link 2

U.S. EPA
Environmental Protection Agency

Link 4

Ala Wai Marina

2077437986



go to [Refine Search](#) go to [Results](#) Document
You asked: *Hawaii and smoking and beaches*

Document Options

- go to - [Best Part](#)
- begin - [New Search](#)
- view - [Printable Copy](#)

Word Lookup

[Go!](#)

- Dictionary
- Thesaurus

What is polluting our beaches? (Special Report: Ocean Planet)

([Popular Science](#))

Everything from cigarette butts to raw sewage. But it's what you don't see that really hurts

When you stand on the gently sloping hillside overlooking Fleming Beach on the rugged western shore of Maui, it's hard to imagine there could be anything wrong with any beach anywhere in the United States.

The powdery, white sand is clean and pristine. The blue-green Hawaiian waters really do sparkle in the afternoon sun. Off in the distance, perched on craggy rocks, fishermen cast upena kiola, their hand-thrown nets, into the sea.

The tragedy of this perfect scene is that Fleming Beach is an exception. Bluntly put, many of our beaches are under attack. Pollutants as exotic as giardia - a single-celled protozoan - and as prosaic as the cigarette butt foul our shores, damage fragile ecosystems, and profoundly threaten the simple pastime of spending a day at the beach.

The most visible form of beach pollution is "marine debris," what the layman prosaically calls "garbage." In 1993, the national beach clean-up sponsored by the Washington, D.C.-based Center for Marine Conservation, collected more than seven million items of trash. In Texas alone, volunteers collected more than a ton of debris for every mile cleaned. In Connecticut, they collected 1,840 cigarette butts per mile of beach (in December 1994, the Hanuama Bay beach in Honolulu, Hawaii, became the first "no-smoking" beach). CMC volunteers also gathered more than 40,000 rubber balloons, 25,000 plastic six-pack holders, 300,000 glass and plastic beverage bottles, and 200,000 metal beverage cans.

Beachgoers are not the only culprits. Commercial fishing fleets, military vessels, cruise ships, and pleasure boaters dump tons of galley waste, plastic fishing lines and nets, and other garbage into the ocean. A survey conducted on the beaches of Amchitka Island in Alaska determined that commercial fishermen left behind more than 950 pounds - almost half a ton - of trawl webbing for each mile of beach.

Marine debris is not only harmful to wildlife (a sperm whale found dying on the New Jersey shore in 1985 had a mylar balloon lodged in its stomach, and three feet of purple ribbon in its intestines); it also is not easy to eradicate and occasionally has caused beach closures. Yet its most visible affect on beaches is aesthetic.

Another visible polluter is oil, principally because of the sensational aspect to spillages. Yet oil rarely affects beachgoers. Not so other, more insidious, types of pollution. Invisible pollutants known as "pathogens" contaminate beach waters and estuaries, reaching us via raw sewage, sludge, and

2077437987

wastewater effluent, or from storm drains discharging into coastal waters and rivers.

As a nation, we spent \$76 billion between 1972 and 1992 to build or expand sewage treatment plants, but it clearly has not been enough. For example, more than 2.5 billion gallons of untreated waste is flushed into Narragansett Bay, Rhode Island, every year, and eight coastal states don't even monitor pathogenic activity regularly.

These pathogens can bring disease, either from our swimming in infected waters or our consuming contaminated seafood or shellfish. Among the principal types of pathogenic organisms are viruses such as hepatitis A, the bacteria responsible for cholera and gastroenteritis, and giardia, which can cause chronic diarrhea and even death. During the last decade, cholera has been detected in shellfish beds in Mobile, Alabama, and directly traced to an outbreak in South America. Shellfish beds were closed and fortunately no one contracted the disease.

The effect of pollutants also can be measured by **beach** closures. During 1992 and 1993, according to the Natural Resources Defense Council, 23 states issued almost 5,000 **beach** closures or advisories, and many other polluted **beaches** went undetected because states did not have monitoring systems.

Still another form of dangerous pollution is a category known as "nutrients" - chemicals such as nitrogen and phosphorous, and even small amounts of excess nutrients pumped into coastal waters can set off a horrifying ecological chain reaction. The nutrients overfertilize seabeds and cause massive increases in the blooms of algae and phytoplankton. The blooms die, and decomposing bacteria depletes oxygen from the water, leading to mass kills of fish and invertebrates.

Where do excess nutrients come from? From land, usually in the form of sewage, fertilizers, and sediment. Large doses of excess nitrogen also reach our **beaches** from the atmosphere, and once again people are to blame: Automotive and smokestack emissions are a main source of airborne nitrous oxides.

If nutrient-based pollution sounds exotic and unfamiliar to you, perhaps you know it by more colorful names. The "brown tide" that wiped out bay scallop beds and eelgrass bays in Long Island Sound several years ago was caused by nutrient pollution. And part of the blame for the periodic "red tides" that plague seashores may lie with nutrients (other factors, such as weather conditions, contribute as well).

There is also one unavoidable conclusion: Things are going to get worse before they get better. The coastal population of the U.S. was 80 million in 1990, but will grow to more than 127 million by the year 2010. Given our dismal record in tending to the aesthetic and ecological imperatives of **beaches** and coastal waterways, it seems inevitable that more people will mean more pollution.

Joe Brancatelli is a travel writer who has visited countless **beaches** for work and play.

2077437988

COPYRIGHT 1995 Times Mirror Magazines Inc.

Brancatelli, Joe, What is polluting our beaches? (Special Report: Ocean Planet)., Vol. 246, Popular Science, 03-01-1995, pp 44(2).

Show Search

[Back to Top](#)

Search

Copyright © 1998 Infonautics Corporation. All rights reserved. - [Terms and Conditions](#)

2077437989

LEXIS[®]NEXIS[®]

reQUESTer



[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]

Document 19 of 20.

Copyright 1985 UMI;
 Copyright American City Business Journals 1985;
 Business Dateline;
 Pacific Business News

September 9, 1985

SECTION: Vol 23; No 26; Sec 1; pg 2

LENGTH: 640 words

HEADLINE: Hogan Not Tossing Out Litter Idea Yet

BYLINE: Nancy Davlantes

DATELINE: Honolulu; HI; US; Pollution control

BODY:

Bob Hogan may be sadder, wiser, and about \$ 20,000 poorer, but he hasn't given up on finding a way to keep **Hawaii** -- and Waikiki streets in particular -- clean.

~~Hawaii Clean Sweep, the company Hogan formed four months ago, closed its doors July 26, a victim, as Hogan sees it, of a combination of underfunding and the summer's United Airlines pilot strike.~~

"I started selling the program to Waikiki merchants (who were to pay \$ 1 a day for the service) before the strike," he said. "But once the strike started, many felt they couldn't pay me on the one hand while they were laying off employees on the other."

Hawaii Clean Sweep began when Hogan, who said he's worked in Waikiki all his life, "got tired of seeing trash ending up on the streets and nothing being done about it."

Remembering a city kept clean in his youth by regular city litter patrols, Hogan began signing up merchants, hired a staff of 10, uniformed them in blue and white, and sent them out onto Kalakaua Ave. to sweep up the handbills, **cigarette butts** and wrappers, newspapers, and assorted debris into portable barrels.

He said his sweepers performed three services: they cleaned up litter; they acted as "mini-ambassadors," answering visitors' questions and giving directions; and they provided a small form of security to the community, because they were there every day.

Hogan said the periodic "community work days" organized by the city and volunteers are not enough to keep the community clean.

"What Waikiki needs is 12 to 15 sweeps per day, from one end to another," he said.

He added that he's worried about the damage a dirty Waikiki can do to the state's visitor industry, and

2077437990

that "if we impress visitors that we're trying to keep Hawaii clean, they'll come back."

Besides the smaller Waikiki merchants, Hogan sought funding from the hotels and a number of visitor associations, with mixed results.

One of the people he approached was Gordon Hentschel, president of the Waikiki Beach Operators Association.

Hentschel said he thought Hogan's company was a "super idea," but "one of the stipulations the WBOA had was we would support an organization that was stable and in operation for a while and had a proven track record. If after a year it was doing well and was working, then we would consider supporting it. You have to start from a solid base."

Outrigger Hotels Hawaii's president, Dr. Richard Kelley, said he did support Hawaii Clean Sweep, but "it wasn't around long enough to evaluate the impact. There's no question there has to be a dedicated crew going around, but whether it should come from private or public funding is up for discussion. I do think there has to be a lot of cooperation between the private sector and government."

That just may be down the road for Hogan, who said he is trying to interest the city and state in the "privatization" of litter clean-up, through contracting of the work to the private sector.

In the meantime, he is seeking support to reorganize as a non-profit organization.

"What we have to do is get the commitment -- I won't start with less than \$ 50,000 in the bank. I learned my lesson," he said.

Ironically, Hogan said he's received calls from businesses along Fort St. Mall urging him to operate a clean sweep there.

"Downtown businesses could support a Fort St. operation without a problem," he said.

He said he'd also hoped to expand to the beaches and scenic spots like Hanauma Bay.

"I'm just a visionary with not too much money," he reflected. "Maybe I should call Dick Ferris (United Airlines President Richard Ferris) and ask him for funding."

Regardless of where the money comes from, Hogan said, he remains committed.

"I feel the project is important enough," he said. "I don't care if I run it or not; I do care that Hawaii and Waikiki are kept clean."

GRAPHIC: Photo

LANGUAGE: ENGLISH

UMI-ACC-NO: 8506840

LOAD-DATE: May 5, 1994

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437991



Friday, April 24, 1998



By Kathryn Bender, Star-Bulletin
Members of Nani O Waianae, left to right, Hans Kok, Kapua Keliikoa, Miles Leader and Amora Luna-Manuel, stock up on trash bags for tomorrow's Keep Hawaii Beautiful cleanup. Glad donated 10,000 bags for the effort.

Help needed to keep Hawaii beautiful

Organizers expect twice as many volunteers as last year's 3,800 who collected 55,000 pounds of trash

By Craig Gima
Star-Bulletin



2077437992

As co-chairman of the Governor's Committee for a Beautiful Hawaii, John Steelquist sees hope amid the paper cups, plastic bags, cigarette butts and other litter in the islands' beaches, roads and parks.

His hope is that the state's volunteer anti-litter effort will regain the momentum it lost after budget cuts eliminated the state Litter Control Office in October 1995.

The state used to hold large volunteer cleanups four times a year with up to 10,000 people showing up at each to help pick up trash for a day.

But now there are only two major annual cleanups: the "Get the Drift and Bag It" beach cleanup in the fall and tomorrow's "Keep Hawaii Beautiful" effort.

"Without leadership, volunteerism has a hard time," said Katy Kok of Nani O Waianae, a community group affiliated with the national Keep America Beautiful program.

"We have been struggling like you wouldn't believe," Kok said.

Last year, 3,800 volunteers showed up and collected 55,000 pounds of trash on Keep Hawaii Beautiful Day.

Tomorrow, Kok expects between 6,000 and 8,000 volunteers.

"We're gradually coming back," Kok said.

"The fundamental is the people of Hawaii are definitely in favor of a beautiful Hawaii," Steelquist said.

During the last beach cleanup, Steelquist drove around the island to thank volunteers for their work.

Preserving Oahu

Cleanup sites on Oahu for tomorrow's "Keep Hawaii Beautiful" litter drive are:

- Ala Wai Canal
- Neal Blaisdell Park
- Ahuimanu School
- Maunakea Marketplace
- Hanauma Bay
- Beretania/Isenberg streets
- Heeia State Park
- Kailua Beach
- Quarry Road
- Keaau Beach Park
- Kaneana Cave
- Kuhio Beach Park
- Makakilo Community Park
- Nanaikapono Elementary School
- Oneula Beach Park

2077437993

- Pokai Bay Beach Park
- Ulehawa Beach Park

Even though there was no cleanup scheduled for Kahaluu, Steelquist found bright orange bags of trash stacked by the side of Kamehameha Highway.

"People are doing it on their own," he said. "That's exactly the spirit we're looking for."

The state used to have a litter office in each county, but now is just providing office space and a phone. Private donations are funding a part-time person to help coordinate litter cleanups. Glad, the bag manufacturer, donates trash bags and soft drink and fast food companies contribute drinks and lunches for volunteers.

"We have lot of small cleanups," Steelquist said. "A lot of weekends there will be a group of 20 or 30 people. Sometimes they'll do it on their own."

Steelquist said if people call the office, the governor's committee will help volunteer groups coordinate cleanups and provide supplies.

"They (the state) are not going to pay for it so it's going to be volunteers and partnership with government and business," Kok said.

"We can't have tourism here if we don't have a beautiful state," said Jean E. Rolles, an Outrigger Hotels employee and committee co-chairman. "It goes hand in hand with keeping the tourism industry viable."

Kok said it's important to change the attitude that picking up trash is someone else's job.

"It's not something you have to do; it's something you do because it's right," she said. "It's the one thing (where) you can actually do something, and you can turn around and see immediate results."



Call for action

To volunteer for tomorrow's cleanup call:

- Oahu: 696-1920
- Big Island: 961-8431
- Maui: 877-2524.

Text Site Directory:
[\[News\]](#) [\[Business\]](#) [\[Features\]](#) [\[Sports\]](#) [\[Editorial\]](#) [\[Do It Electric!\]](#)
[\[Classified Ads\]](#) [\[Search\]](#) [\[Subscribe\]](#) [\[Info\]](#) [\[Letter to Editor\]](#)
[\[Stylebook\]](#) [\[Feedback\]](#)



Kokua Line



By June Watanabe

Tuesday, June 10, 1997

HPD sends reminders to careless drivers

On May 21 about 7:10 a.m., I stopped for a red light at Kulukeoe and Kahekili. Two seconds later, a red Honda Civic CX, with a decal in the middle of the rear window, driven by a young woman, barreled through the intersection. A young boy had been waiting to cross but luckily was alert enough to step back in time. This was not a situation in which the light was yellow. It seems to me more and more drivers are running red lights. Is there something individual citizens can do when they witness situations of flagrant disregard for traffic laws?

Yes, there is, but mainly only to make the culprits realize their actions are not going unnoticed.

Note the license number, date and time of a violation and send it to the Honolulu Police Department Traffic Division at 801 S. Beretania, Honolulu 96813, with an explanation, said Maj. Gary Dias.

"We will send a letter to the registered owner of the vehicle to inform them of the violation observed and request their kokua in observing traffic laws," he said. "This will help violators become aware that their traffic violation was noticed and hopefully, they will drive more carefully in the future."

Dias cautions motorists, however, not to make any attempt to stop or confront another motorist over a traffic offense.

▲▲▲

I want to first say mahalo to the woman who goes to Kaimana Beach in the morning and picks up all the cigarette butts on the beach. Is it true that a lot of the butts are tossed off cruise ships and are killing the fish and turtles? If so, maybe the ships can put up signs saying don't throw butts overboard, or put out containers for disposal.

As far as the state Department of Health Clean Water Branch knows, this is not a major problem.

Also, "it's difficult to confirm that cigarette butts are coming off cruise shops, said spokesman Patrick Johnston, noting that there are smokers on fishing boats and other ships as well.

Perhaps an even bigger source of shoreline pollution: storm drains, which deposit all sorts of debris, much of it worse than cigarette butts.

"That's our major concern," Johnston said.

George Balazs, the sea turtle expert for the National Marine Fisheries Service, says he can't speak to fish, but notes, "There are indeed records of turtles swallowing cigarette butts."

But Balazs said, "It would be an overstatement to say that cigarette filters are a major problem of sea turtle survival today."

However, if people look at the bigger picture -- of cigarette butts and filters being just a small part of a larger problem -- then it becomes obvious that "every litter bit hurts" in the sea as well as on land, he said.

▲▲▲

More Kokua Line in today's Star-Bulletin:

- Auwe
- Mahalo

▲▲▲

*See expanded coverage in today's Honolulu Star-Bulletin.
See our [Info] section for subscription information.*

*Need help with problems? Call Kokua Line at 525-8686,
fax 525-6711, or write to P.O. Box 3080, Honolulu 96802.
Email to kokualine@starbulletin.com*

2077437996

LEXIS[®]NEXIS[®]

reQUESTer

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)**Document 9 of 50.**Copyright 1998 Times Newspapers Limited
Sunday Times

March 1, 1998, Sunday

SECTION: Features**LENGTH:** 1182 words**HEADLINE:** Future Perfect**BYLINE:** Sean Ryan**BODY:**

How can we stop loving our favourite destinations to death? SEAN RYAN visits a Hawaiian project that points the way ahead.

The problem of the tourist industry destroying the places it most wants to show to the world is a long-standing one. We are all familiar with the pattern; a beautiful, uncluttered place is discovered, pioneering travellers visit it, followed by much larger numbers of the less intrepid. Airports, hotels, restaurants and clubs are built, and suddenly the place isn't so beautiful or clean any more.

Since 1992, the British Airways Tourism for Tomorrow Awards have attempted to break the mould. Open to any organisation in the industry, they are given to those who have made a contribution towards minimising the impact of tourism on the local environment or cultural heritage. This year's overall winner is a project to save one of Hawaii's most beautiful beaches.

*** HANAUMA BAY**

GAZING over Hanauma Bay from a clifftop path adorned with native Hawaiian hibiscus, it is easy to see how the beach 300ft below became one of the treasures of the tourist industry. Volcanic eruptions 30,000 years ago created a vent where lava mixed with sea water to build crater walls that almost encircle it: nature's setting for the modern tour-operator's jewel of a near-shore coral reef, perfectly sheltered from the surf.

Silver sand, formed from the skeletons of marine animals and sprinkled with crab legs, snail shells and urchin spines, stretches through turquoise shallows, where chub shoal at knee-height, to the sapphire ocean beyond. The sight is so arresting that even the humpback whales migrating past the southeastern tip of Oahu island pause a few hundred yards offshore, blowing and breaching, as if to absorb the beauty of it all.

For those who strap on fins and snorkel and plunge into the water, another gem awaits. Hawksbill and green sea turtles, 4ft long and 400lb fat, wend their lazy way over pink colonies of cauliflower coral to graze on seaweed, and rise, disdainful of divers' attentions, to the surface for air.

2077437997

Little wonder, then, that the aquamarine paradise of Hanauma Bay has been so coveted by the tourism industry. In 1967, when the bay was designated a marine-life conservation area, it was a haven where local people came to swim in virtual solitude. Twenty years later, after relentless international promotion, not only of its natural delights but of its proximity to Honolulu International Airport, and the towering hotels of Waikiki, 15 miles away, it was attracting 3m visitors a year.

More than 80 tour operators bussed them in coaches that queued for up to a mile to drop them off for the day with a packed lunch. The tourists massed, up to 13,000 at a time, on two acres of sand. They stamped the life out of tan and yellow coral, which turned a deathly shade of grey. A fish-feeding frenzy began: loaves were hauled from roof racks into the sea and dumped there with crisps, cheese-in-a-can and astonishing quantities of frozen peas.

By sunset, each summer's day, up to half a ton of food had been discarded in the water, much of it left floating in a sheen of tanning oil. By dawn, the first visitors were to be found goading the turtles from their sleeping places. The local authorities that had presided over a mini economic boom realised that the ecosystem was in danger of going bust.

The salvation of Hanauma Bay in the past eight years is an extraordinary story of passion and intrigue in which the advocates of conservation and commerce, initially pitted against each other, were ultimately reconciled in a series of compromises that, to a greater or lesser degree, protected the interests of both. Dr Erlet Cater, a lecturer at the University of Reading and a leading authority on ecotourism, says the burgeoning worldwide industry can learn much from the involvement of local islanders in balancing the needs of environment and development.

The starting point was the formation of a campaigning body, the Friends of Hanauma Bay, at the instigation of a newspaper editor who believed that, without radical measures, the natural assets that attracted the holidaymakers would be destroyed. Thousands responded to his rallying cry.

The group, which provided money and volunteers for patrols and helped to clean the bay four times a year, joined forces with the University of Hawaii, which produced an educational programme to tell visitors why the reef was vulnerable and how to avoid stifling it. Together, they assailed the city and county of Honolulu, the authority responsible for the bay.

A series of initiatives by the authority's parks and recreation department followed, hotly resisted at first by tour operators fearful that curbs on their activities would not merely cut their earnings, but, in some instances, would crush their businesses entirely. A few even alleged discrimination against the Japanese, who travelled to the bay almost exclusively by coach.

Each new initiative was bland in itself - buses, which had previously left their passengers at the beach all day, were allowed sightseeing visits limited to 10 minutes; foreign tourists were charged a modest \$ 3 for entry, and a \$ 1 parking fee was introduced to raise money for improvements, such as a proper sewage system, extra staff and litter signs; the bay was closed for one day a week; smoking, drinking and giving human food to fish were banned.

The cumulative effect, however, has been remarkable: the number of visitors is down by 60%, litter by 70%. The sunscreen slick has vanished, allowing fish that lay their eggs on water to thrive. Coral has grown, boosting the recovery of the reef, which sustains countless colourful and exotic species. And the turtles now sleep in peace.

The transformation is partly the result of strict enforcement by Alan Hong, the ebullient bay manager, who is not above swimming to outcrops of the reef to warn sunbathers, politely but firmly, that sitting on coral kills it.

Hong's zealotry has made him many enemies in the commercial world. There have been demands for his replacement and attempts to undermine his authority. He has been accused by neighbours of restricting a lifelong freedom to enjoy the bay at their leisure, and by travel companies of putting

2077437998

wildlife before livelihoods.

Hong remains philosophical. The bay, he says, was like a beautiful garden that was trampled to the point of ruin. The reduction in visitors has brought the collapse of some businesses, but protected the long-term interests of others. The more far-sighted have adapted by spreading their clients around the island's attractions rather than concentrating them in one overcrowded place.

Mufi Hanneman, a local politician who resisted proposals to protect the bay by closing it for longer than a day at a time, said: "We can preserve the environment and at the same time pursue economic objectives. That is what we have shown at Hanauma Bay."

* For further information about travel to

Hawaii, contact the Hawaii Visitors

Bureau (0181-941 4009)

LANGUAGE: ENGLISH

LOAD-DATE: March 4, 1998

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077437999

Hanauma is becoming a great big ashtray

Quickly, I would like to tell you why there is a decrease in the number of people visiting Hanauma Bay. Where did the bottom of the bay go? You cannot see it with all the scum and filth in the water.

We have been coming to Waikiki every year since 1977. These past five years, we have noticed a terrible change. The entrance fee to the bay is not a deterrent; it's the sight of the water. You used to be able to see the fish in Hanauma when you were standing in six inches of water. Now, you're lucky to see anything but cigarette butts and other crap.

It is also disgusting to go to Hanauma and to sit on the beach among all the cigarette butts! Everywhere you look -- cigarette butts or other litter. I have never seen so many people so ignorant about dropping their cigarettes wherever they please.

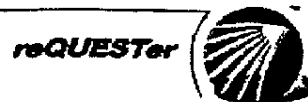
It is truly disgusting.

Christine Bigelow

(Via the Internet)

2077438000

LEXIS·NEXIS

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)**Document 5 of 20.**

Copyright 1995 The Times Mirror Company
Los Angeles Times

January 1, 1995, Sunday, Home Edition

SECTION: Travel; Part L; Page 3; Column 3; Travel Desk

LENGTH: 255 words

HEADLINE: NEWS, TIPS & BARGAINS;
SMOKING BANNED ON HAWAIIAN BEACH

BYLINE: By SUSAN ESSOYAN

BODY:

Smokers beware. Hanauma Bay, a spectacular turquoise crescent carved into the southeastern shore of Oahu, has become the first beach in **Hawaii** -- if not the world -- to ban smoking.

The move is the latest in a campaign to rescue the marine preserve, with its colorful reef fish, from the impact of hordes of humans. One of the state's top visitor destinations, Hanauma Bay Nature Park once attracted as many as 3 million people a year.

In 1990, city officials cut the flow of people to the overcrowded beach in half by preventing tour buses from dropping passengers at Hanauma. Now, concerned that **cigarette butts** washing into the water might pose a threat to fish and turtles, they have restricted smoking to the parking lot overlooking the bay.

"Before the ordinance, this place looked like an ashtray," said Council member John Henry Felix, author of the no-smoking bill. "So many people put their cigarettes out in the sand. Now, it looks rather pristine."

"We are trying to change everyone's mind-set about this place," said Alan Hong, Hanauma Bay manager. "This is a place to see marine animals in their natural habitat, and we mean natural." Hanauma Bay, about 20 minutes by car from Waikiki, is open from 6 a.m. to 6 p.m., and closed on Wednesday mornings. The parking lot can fill up as early as 9 a.m.

The bay was formed thousands of years ago when ocean waves broke through part of the rim of a volcanic crater. It was designated as the state's first Marine Life Conservation District in 1967. SUSAN ESSOYAN

GRAPHIC: Photo, COLOR, Hawaii safeguard: Smoking is banned at Hanauma Bay on Oahu to protect marine life. SUSAN ESSOYAN

LANGUAGE: ENGLISH

LOAD-DATE: January 2, 1995

2077438001

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077438002

University Report

University of Hawai'i
University Relations
Media & Publications
Honolulu, HI 96822

(808) 956-8856
Telephone
(808) 956-3441
Facsimile
ur@hawaii.edu E-Mail

Contact: Priscilla Billig, 956-2414

Air Date: September 15,
1996

Get the Drift and Bag It!

~~In 1996, more than 40,000 cigarette butts,~~ 10,000 plastic pieces,
10,000 paper pieces and 9,000 glass pieces were picked up by
volunteers throughout the State.

On Saturday, September 20, the University of Hawaii Sea Grant
Extension Service hopes you'll get the drift and bag it-literally.

The 11th annual Get the Drift and Bag It trash collecting project
takes place from 8:30 to noon. Last year, volunteers cleaned more
than 100 sites. A grand total of almost 200,000 pounds were bagged
by volunteers in Hawaii.

The volunteers keep track of the type of debris they collect. Last
year's trash consisted mainly of cigarette butts, glass fragments and
bottles, paper products and plastic wrappers. The information is
used to educate the community and encourage research into
biodegradable products.

To get the drift and bag it, call 956-2872.

This is the University Report, I'm Tracy Orillo Donovan.

-UH-

2077438003



How Long Does Trash Take to Return to Nature?

Brittle plastics in sunlight: 2 to 4 years
 Nets drifting in the ocean: 2 to 5 years
 Sunken nets: 5 to 50 years
 Plastic on the beach: 5 to 50 years
 Aluminum cans: 100 to 400 years

A grand total of almost 200,000 pieces of trash were bagged by volunteers last year in Hawaii. Sign up now for this year's 1997 Get the Drift and Bag It!

Hawaii's Dirty Dozen

Here is a list of the top 12 most frequently bagged items throughout the state in 1996:

cigarette butts: 40,709
 plastic pieces: 10,551
 plastic food bags & wrappers: 10,062
 paper pieces: 10,557
 glass pieces: 9,122
 Foamed plastic:
 plastic cups & lids: 5,864
 plastic straws: 4,029
 metal bottle caps: 5,670
 metal beverage cans: 6,618
 plastic foamed cups: 4,559

2077438004

Get The Drift & Bag It!
Saturday, September 20, 1997
 8:30 a.m. to noon
 to register and sign up for a site
 call 956-2872
 University of Hawaii Sea Grant Extension Service
 School of Ocean and Earth Resources and Technology University of Hawaii
 call 587-2880
 Office of Planning Coastal Zone Management Program
 State of Hawaii
 call 538-3166
 the Governor's Committee for a Beautiful Hawaii
 State of Hawaii

plastic foamed cups: 4,559
plastic beverage bottles:
4,955

[\[Comm\]](#)[\[Page 2\]](#)[\[Page 3\]](#)[\[Page 4 \]](#)
[\[Page 5\]](#)[\[Page6\]](#)[\[Info\]](#)

©1997 University of Hawaii
Sea Grant College Program.
All rights reserved

This page is maintained by Sea Grant Communications, Priscilla Billig, Communications Director. Comments or questions? Contact Diane Nakashima. Web page design by Ben Cheng.

2077438005



Revised Ordinances of the City and County of Honolulu 1990

Chapter 29

STREETS, SIDEWALKS, MALLS AND OTHER PUBLIC PLACES

Articles:

1. General Provisions
2. Lei Selling
3. Minors Engaged in Street Trade
4. Litter Control
5. Use of Streets and Sidewalks by Solicitors and Canvassers
6. Peddler's License
7. Handbilling in the Waikiki Special Design District
8. Structures on, Above or Below a Public Sidewalk
9. Procedure on Arrest
10. Use of Malls
11. Dispensing Racks Along Kalakaua Avenue
12. Charitable Sales Activities on Public Places
13. Use of Animals in Solicitations in the Waikiki Special District

Article 1. General Provisions

Sections:

- 29-1.1 Definitions.
- 29-1.2 Purpose.

Sec. 29-1.1 Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future. Words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Animal" means and includes every living creature.

"Building superintendent" means the director and building superintendent of the city or the director's authorized representative.

"Chief of police" means the chief of police of the city or the chief's authorized representative.

"Curbside teller" means any structure that encroaches in whole or in part over or on a public sidewalk and is used to assist patrons of financial institutions to deposit funds or otherwise transact business with said institutions.

"Director of finance" means the director of finance of the city or the director's authorized representative.

"Freight chute" means a shaft with or without an inclined plane extended downwards from the surface of a public sidewalk intended for the transportation of freight and goods.

"Freight elevator" means an appliance or mechanism designed primarily for the transportation of freight and goods from the surface level of the sidewalk downwards and return.

"Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

"Litter" means "garbage," "refuse" and "rubbish" as defined in this section and all other waste

2077438006

material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"Mall" means any public thoroughfare other than a sidewalk as defined in this section, which is under the control or jurisdiction of the city and is intended primarily for the use of pedestrians.

"Newspaper of general circulation" means a newspaper of a state, county or city, published for the dissemination of local or telegraphic news and intelligence of a general character, having a subscription list of paying

subscribers, and established, printed and published at regular intervals in such state or city, and reaching all classes of the public.

"Newsstand" means any appliance, structure, instrument or stand used for the vending or distribution of newspapers.

"Nonprofit organization" means a nonprofit corporation qualifying as such under HRS Chapter 415B or any other society, association, corporation or other organization engaged in religious, charitable, educational, scientific, literary or other benevolent purposes whose charter or other enabling act contains provisions to the effect that such organization is not organized for profit; none of its stock or any part of its assets, income or earnings will be issued or distributed to its members, directors or officers, except for services actually rendered to the organization; and upon dissolution, its assets shall be distributed to another nonprofit corporation, society, association, or organization engaged in one or more of the benevolent purposes listed herein.

"Park" means a park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

"Person" shall have the same meaning as defined by HRS Section 1-19.

"Private premises" means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

"Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds, malls and buildings.

"Public telephone enclosure" means any enclosure constructed or installed for the specific purpose of enclosing a telephone available for the general use of the public with or without charge and operated under franchise as provided by law. The term shall also include the contents of the enclosure and any appurtenant equipment or cables attached thereto.

"Refuse" means all putrescible and nonputrescible solid wastes, including animal body wastes, garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

"Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

"Sidewalk" means that portion of a street between a curb line or the pavement of a roadway, and the adjacent private or public property line, whichever the case may be, intended for the use of pedestrians, including any setback areas acquired by the city for road widening purposes.

"Street" means the entire width between the property lines of every way publicly owned and maintained when part thereof is open to the use of the public for purposes of vehicular travel or any private street, highway or thoroughfare which for more than five years has been continuously used by the general public.

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (Sec. 26-1.1, R.O. 1978 (1983 Ed.); Am. Ord. 96-58)

Sec. 29-1.2 Purpose.

The intent and purpose of this chapter is to promote the public welfare by regulating the use of all public sidewalks and malls. (Sec. 26-1.2, R.O. 1978 (1983 Ed.))

2077438007

Article 2. Lei Selling

Sections:

- 29-2.1 Regulations.
- 29-2.2 Violation--Penalty.

Sec. 29-2.1 Regulations.

(a) No person, under the age of 15 years, shall sell leis upon the streets, alleys, sidewalks, malls and other public places, including entrances at piers.

(b) No person, while engaged in the business of selling leis upon the streets, alleys, sidewalks, malls and at entrances to piers, shall obstruct

traffic, or wilfully or negligently hold, touch, push, jostle, molest or in any manner disturb any person, customer or another lei seller.

(c) All persons engaged in selling leis at the piers shall form not more than two straight single lines in the front of the pier, one line extending to the right and the other to the left from the main entrance, and the said lines shall run parallel to and within three feet of the front wall of the pier as follows:

The positions in said lines shall be occupied by the lei sellers in the order of their arrival, the person first arriving being entitled to stand at the head of one line and the person arriving next, at the head of the other line; provided, that no person shall occupy the head position of any line more than one day within a period of 30 days, unless such person's turn arrives sooner by rotation. The "head" of a line shall be that position which is nearest to the main entrance to the pier.

(d) No lei seller arriving late shall break into a line or usurp the position of another.
(Sec. 26-2.1, R.O. 1978 (1983 Ed.))

Sec. 29-2.2 Violation--Penalty.

Any person violating any provision of this article shall, upon conviction, be punished by a fine not exceeding \$25.00. (Sec. 26-2.2, R.O. 1978 (1983 Ed.))

Article 3. Minors Engaged in Street Trade

Sections:

- 29-3.1 Permit required.
- 29-3.2 Conditions of permit.
- 29-3.3 Molesting passers-by prohibited.
- 29-3.4 Defacing windows, sidewalks and malls prohibited.
- 29-3.5 Record of permits.
- 29-3.6 Prohibition.
- 29-3.7 Violation--Penalties.

Sec. 29-3.1 Permit required.

No minor shall carry on any trade or business or sell or offer for sale any goods, wares or merchandise upon any sidewalk, street, alley, mall or public place, without first having obtained a permit therefor from the chief of police. The permit shall be issued in accordance with the conditions enumerated in Section 29-3.2. Except as herein provided for suspension or revocation of permits issued to wards of the juvenile court, the chief of police may suspend the permit of any holder who violates any provision of this article and may revoke the same upon the third violation of any provision of this article. (Sec. 26-3.1, R.O. 1978 (1983 Ed.))

Sec. 29-3.2 Conditions of permit.

All permits to engage in street trades shall be subject to the following conditions:

- (a) No minor under the age of 10 years shall be permitted to engage in street trades in public places;
- (b) Permits to minors under the age of 16 years shall be issued only upon presentation of the written

consent of a parent or guardian;

(c) Permits to wards of the family court shall be issued only upon the written permission of said court. Permits to minors who are or become wards of the family court may be suspended or revoked only upon orders from said court;

(d) Minors engaged in street trades are prohibited from working within 50 feet of the entrance of any billiard parlor, liquor dispensing establishment or any other place which is likely to contribute to the delinquency of minors;

(e) The permit shall be in the form of a pasteboard card and shall contain the following: name, age and residence of the permittee, type of street trade, date and number of permit. In the event a permit is lost, a duplicate permit shall be issued upon presentation of satisfactory proof of such loss by the applicant to the chief of police;

(f) The chief of police may refuse issuance of a new permit to a minor whose permit has been once revoked;

(g) A permit shall not be transferable.

(Sec. 26-3.2, R.O. 1978 (1983 Ed.))

Sec. 29-3.3 Molesting passers-by prohibited.

No minor, while engaged in any street trade, shall obstruct pedestrian traffic within the sidewalk or mall area, or hold, touch, push, jostle, molest or in any manner disturb any passer-by or customer. (Sec. 26-3.3, R.O. 1978 (1983 Ed.))

Sec. 29-3.4 Defacing windows, sidewalks and malls prohibited.

No minor, while engaged in any street trade, shall smear any show windows or deface sidewalks or malls. (Sec. 26-3.4, R.O. 1978 (1983 Ed.))

Sec. 29-3.5 Record of permits.

It shall be the duty of the chief of police to keep a record of all permits granted to minors engaged in street trades in a book provided for the purpose giving the number and date of each permit, type of street trade engaged in, the name, age and residence of the person to whom the permit has been issued, the date of issuance of such permit and to keep a record of all permits suspended or revoked and grounds therefor including those affected by the family court. (Sec. 26-3.5, R.O. 1978 (1983 Ed.))

Sec. 29-3.6 Prohibition.

(a) No permit shall be issued to minors in areas mentioned in Section 29-6.2.

(b) No permit shall be issued where street trades by minors are prohibited by HRS Chapter 390, as amended, relating to child labor certificates.

(Sec. 26-3.6, R.O. 1978 (1983 Ed.))

Sec. 29-3.7 Violation--Penalties.

Any minor violating the provisions of this article shall be subject to punishment according to the laws and procedures applicable to minors; provided, that any adult violating any provision of this article shall upon conviction be punished by a fine not exceeding \$100.00 or by imprisonment not exceeding three months, or by both. (Sec. 26-3.7, R.O. 1978 (1983 Ed.))

Article 4. Litter Control

Sections:

- 29-4.1 **Definitions.**
- 29-4.2 **Enforcement authority.**
- 29-4.3 **Responsibilities--Requirements.**
- 29-4.4 **Prohibited activities.**
- 29-4.5 **Cost of litter removal.**
- 29-4.6 **Litter control fund.**

- 29-4.7 Enforcement.
- 29-4.8 Violation--Penalty.
- 29-4.9 Severability.

Sec. 29-4.1 Definitions.

As used in this article:

"Enforcement officer" means any individual designated by the department of public works, the department of parks and recreation or the building department to issue citations to enforce the provisions of this article, and any police officer of the Honolulu police department.

"Litter" means rubbish, waste material, garbage, trash, offal or any debris of whatever kind or description, whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass or solid waste. Litter also includes "refuse" as defined in Section 29-1.1, ROH 1990, as amended. Litter may include derelict vehicles.

"Littering" means wilful or negligent throwing, dropping, placing, depositing, allowing or causing such acts, of any litter on land or water, in other than public or private receptacles or designated disposal sites. (Sec. 26-11.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 29-4.2 Enforcement authority.

(a) Any enforcement officer is authorized to:

(1) Issue a written citation pursuant to Section 29-4.7 (a) of this article if such enforcement officer witnesses a violation, receives a report from a private citizen witnessing a violation or has probable cause to believe that a person has violated the provisions of this article.

(2) Investigate any litter and household garbage found thrown, deposited, or dumped on a street, roadside, alley or highway to find any personal identification contained therein.

(3) Issue a written citation pursuant to Section 29-4.7 (a) of this article for violations of this article.

(4) Issue a notice of violation pursuant to Section 29-4.7 (b) of this article.

(b) Any person who witnesses the throwing, dumping or depositing of litter, which is in violation of the prohibited activities provided in this chapter, including the throwing of litter from a vehicle, may report the date, time of day and location of the littering and the license number of the vehicle to any enforcement officer. The license number, as recorded, shall constitute prima facie evidence that the littering was done by the person to whom such vehicle is registered.

(Sec. 26-11.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 29-4.3 Responsibilities--Requirements.

(a) It shall be the responsibility of:

(1) Owners or persons in control of any private property to maintain the premises free from litter at all times; provided, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(2) Persons owning or occupying property to keep the sidewalk area abutting their property line free of litter.

(3) (A) The operators of all disposal facilities and private disposal facilities, as defined in Chapter 9, ROH 1990, as amended, to maintain a record of all waste which is deposited at each facility other than by city-operated refuse vehicles and householders with their own refuse.

(B) The record shall contain the name and address of each person depositing waste material, the license number of the vehicle transporting the waste, the approximate time of deposit, a brief description and the approximate volume of said waste. The record shall be made available to any enforcement officer of the city for inspection, upon reasonable request.

(b) The Honolulu police department shall arrange to patrol or conduct surveillance activities at locations which are reported to be frequent dumping areas for litter.

(c) All complaints of alleged litter violations shall be investigated by the city. Enforcement officers shall, wherever practicable, inspect any litter found on any street, highway, alley or public place, and any traceable ownership shall be subject to the provisions of this article.

(d) The director of parks and recreation shall coordinate city agencies in anti-litter efforts and cooperate with the state to accomplish coordination of anti-litter campaigns.

2077438010

(Sec. 26-11.3, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 29-4.4 Prohibited activities.

(a) No person shall:

(1) Throw or deposit litter on any street or sidewalk and in any park or other public or private property within the city except in public or private receptacles, and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public or private property. Where public or private receptacles are not provided, all such litter shall be carried away by the person responsible for its presence and properly disposed of;

(2) Sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway;

(3) Throw or deposit litter upon any street or other public place within the city, or upon private property while a driver or passenger in a vehicle;

(4) Drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place, litter of any kind. In the event that litter is unavoidably dropped or tracked onto the highway, it shall be the duty of the driver of the vehicle to have said litter removed as quickly as possible;

(5) Throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the city;

(6) Throw out, drop or deposit within the city any litter, handbill or any other object from an aircraft;

(7) Post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public structure or building except as may be authorized by law;

(8) Throw or deposit litter on any occupied or open or vacant private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property;

(9) Permit an animal owned by such person or while in the owner's custody to excrete any solid waste in any public place or on any private premises not the property of such owner; provided, however, that nothing herein shall affect the duty of the property owner or occupier to keep the premises free of litter and provided further that no violation shall occur if the owner of the offending animal promptly and voluntarily removes the animal waste; or

(10) Dump or dispose of any refuse or other solid wastes upon any public or private premises, including any watercourse or drainage facility whether publicly or privately owned within the city except upon municipal disposal sites or private disposal sites established under the land use ordinance.

(b) No person shall dispose of any derelict vehicle, as defined in HRS Section 290-8, on any public roadway, alley, street, trail, bridge or highway or other public property, or on private property, without the authorization of the owner or occupant.

(c) No person shall abandon scrap iron, lumber or similar materials upon any public street, road, highway or other public thoroughfare, or any part thereof.

(Sec. 26-11.4, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 96-58)

Sec. 29-4.5 Cost of litter removal.

(a) Any person responsible for littering shall be liable to the city for the cost of removing such litter. The bill for the cost of removal shall be issued by the department of public works, the department of parks and recreation, or the building department and shall contain the amount to be charged by the city. The cost of removal shall be the actual cost plus any administrative expenses associated with said removal; provided, however, that the amount to be charged shall not be less than five dollars. Provided further, that nothing in this section shall be deemed to constitute a waiver of the city's right to issue a citation pursuant to Section 29-4.7 (a) including in instances where the

2077438011

person littering refuses to remove said litter or refuses to pay the city for the city's removal of said litter.

(b) In the case of litter on open private property, the building superintendent is authorized to notify the owner of any open or vacant private property within the city or the agent of such owner to properly dispose of litter located on said owner's property. Such notice shall be by certified mail, addressed to said owner at the last known address and a copy thereof posted on the property. The notice shall describe the work to be done and shall state that if the work is not commenced within 30 calendar days after notice is given and diligently prosecuted to completion without interruption, the building superintendent shall so notify the chief engineer, and the chief engineer shall enter upon the property and cause the removal of the litter thereon, and the cost thereof shall be a lien on the property. The chief engineer shall observe the following procedures:

(1) Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter within 30 days after receipt of written notice or within 30 days after the date of such notice in the event the same is returned to the city because of an inability to make delivery thereof, provided the same is properly addressed to the last known address of such owner or agent, the chief engineer is authorized and empowered to dispose of such litter or to order its disposal by the city. The chief engineer and the chief's authorized representatives, including any contractor with whom the chief engineer contracts hereunder, and assistants, employees or agents of such contractor are authorized to enter upon said property for the

purpose of removing the litter thereon. Before the chief engineer or the chief's authorized representative or contractor arrives, any property owner may remove the litter thereon at said owner's expense.

(2) When the city has effected the removal of such litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of eight percent per annum shall be charged to the owner of such property who shall be billed therefor by mail. The bill shall apprise the owner that failure to pay the bill will result in a lien. Interest at the rate of eight percent per annum shall accrue from the 31st calendar day after the bill has been mailed to the owner for the payment in the event the same has not been paid prior thereto.

(3) Where the full amount due the city is not paid by such owner within 30 calendar days after the bill has been mailed for payment, the chief engineer shall cause to be recorded with the city director of finance a statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which said work was done, and file the same with the director of finance, who shall refer the collection thereof to the corporation counsel.

(4) Any work done by the city hereunder is deemed to be done pursuant to quasi-contract or constructive contract between the city and the owner. Based on the foregoing contractual relationship, if the owner fails to pay the amount duly noted on the statement filed by the chief engineer, the corporation counsel may proceed to file a mechanic's and materialman's lien pursuant to the provisions of Part II of HRS Chapter 507, or any other appropriate lien procedures.

(5) The chief engineer shall cause to be kept in the chief's office a permanent record containing: (A) a description of each parcel of the property for which the notice to remove litter has been given; (B) the name of the owner if known; (C) the date on which such notice was mailed and posted; (D) the charges incurred by the city in removing the litter and all incidental expenses in connection therewith; and (E) a brief summary of the work performed. Each such entry shall be made as soon as possible after completion of such act.

(c) All moneys collected under this section shall be deposited into the litter control fund. (Sec. 26-11.5, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 88-78)

Sec. 29-4.6 Litter control fund.

There is established a fund to be known as the litter control fund which shall be administered by the director of finance. All costs recovered and other funds collected or received pursuant to this article or as may be appropriated by the council from time to time, shall be deposited into the litter control fund and used for the administration and implementation of this article and cleanup of litter from public highways, streets, alleys, roads, public recreational areas or other public lands. Expenditures from this fund shall be in accordance with prescribed laws and procedures applicable to expenditures of city revenues. (Sec. 26-11.6, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 88-78)

Sec. 29-4.7 Enforcement.

(a) Any person charged with violating Section 29-4.4 (a) of this article shall be served with a citation and an order to appear before the district courts. Any person charged with a first violation may, within seven days of the issuance of the citation, appear at the district court and post a bail bond in the amount of the minimum fine imposed for the offense charged, as determined by the court, for appearance at the next succeeding session of the court. Upon failure to appear at such succeeding session, said bail bond shall be deemed forfeited. The failure of such violator to make such appearance or payment within said seven days shall render such person subject to charges and to the penalties herein described.

(b) Any person violating Section 29-4.3(a)(1) or (a)(2) of this article shall be issued a notice of violation mandating the removal of the litter. Failure to remove such litter will subject the owners or persons in control of private property to the penalties herein described.

(Sec. 26-11.7, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 29-4.8 Violation.Penalty.

(a) Except as otherwise provided in this article, any person found guilty of violating any provision of this article or any rule adopted hereunder shall be guilty of a violation. The person shall be ordered to pay the city for the cost of litter removal and shall pay a criminal fine of not more than \$500.00 for each offense, or ordered to pick up and remove litter from a public place, as provided by HRS Section 339-8, or both.

(b) For violations of Section 29-4.3(a)(1) or (2), in lieu of or in addition to enforcement pursuant to subsection (a), if the enforcement officer determines that any person, firm or corporation is not complying with a notice of violation, the enforcement officer may have the party responsible for the violation served, by certified mail or delivery, with an order pursuant to this section.

(1) Contents of the Order.

(A) The order may require the party responsible for the violation to do any or all of the following:

(i) Correct the violation within the time specified in the order;

(ii) Pay a civil fine not to exceed \$500.00 in the manner, at the place and before the date specified in the order;

(iii) Pay a civil fine not to exceed \$500.00 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.

(B) The order shall advise the party responsible for the violation that the civil fine, if unpaid within the prescribed time period, can be added to specified fees, taxes, or charges collected by the city.

(C) The order shall advise the party responsible for the violation that the order shall become final 30 calendar days after the date of its delivery. The order shall also advise the party responsible for the violation that the order may be appealed to the building board of appeals.

(2) Effect of Order.Right to Appeal. The provisions of the order issued by the enforcement officer under this subsection shall become final 30 calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the building board of appeals. The appeal must be received in writing by the building board of appeals on or before the date the order becomes final. However, an appeal to the building board of appeals shall not stay any provision of the order.

(3) Judicial Enforcement of Order. The enforcement officer may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the enforcement officer need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine imposed has not been paid.

(c) Any person violating Section 29-4.4(b) or (c) shall be guilty of a petty misdemeanor and shall be ordered to pay the city for the cost of litter removal.

(Sec. 26-11.8, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 97-13)

Sec. 29-4.9 Severability.

If any provision of this article, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable. (Sec. 26-11.9, R.O. 1978 (1987 Supp. to 1983 Ed.))

Article 5. Use of Streets and Sidewalks by Solicitors and Canvassers

Sections:

- 29-5.1 Use unlawful for certain business purposes.
- 29-5.2 Violation--Penalty.

Sec. 29-5.1 Use unlawful for certain business purposes.

(a) It is unlawful for any solicitor or canvasser to engage in business on any public street, sidewalk or mall where such person's operation tends to, or does impede or inconvenience the public or any person in the lawful use of such street, sidewalk or mall.

(b) "Solicitor or canvasser," as used in this article, means any person, traveling by foot, or any other type of conveyance, or by wagon, automobile, motor truck, taking or attempting to take orders for sale of goods, wares, merchandise or other personal property for future delivery, or for services to be furnished or performed in the future, whether or not such person carries or exhibits any samples or collects advance payments on sales. The term shall also include any person who, for oneself or for another hires, leases, uses or occupies any building, structure, tent, room, shop, vehicle or any other place for the sole purpose of exhibiting samples and taking orders for future delivery. (Sec. 26-5.1, R.O. 1978 (1983 Ed.))

Sec. 29-5.2 Violation--Penalty.

Any person violating any provision of this article shall upon conviction be punished by a fine not exceeding \$100.00 or by imprisonment not exceeding 30 days, or by both. (Sec. 26-5.2, R.O. 1978 (1983 Ed.))

Article 6. Peddler's License

Sections:

- 29-6.1 Annual fee.
- 29-6.2 Regulations affecting peddlers.
- 29-6.3 Deceptive sales and commercial schemes prohibited.
- 29-6.4 Violation--Penalty.

Sec. 29-6.1 Annual fee.

The annual fee for a peddler's license shall be \$27.50, provided said fee is waived for all peddlers of newspapers of general circulation. No license shall be required of persons peddling fish, fresh fruit, leis, flowers or vegetables, nor of any person who has reached the age of 60 years. (Sec. 26-6.1, R.O. 1978 (1983 Ed.); Am. Ord. 92-73)

Sec. 29-6.2 Regulations affecting peddlers.

(a) It is unlawful for any person, whether exempt or licensed under Section 29-6.1, to sell or offer for sale, rent or offer for rent, goods, wares, merchandise, foodstuffs, refreshments or other kinds of property or services upon the streets, alleys, sidewalks, parks, beaches and other public places, unless such person is also duly licensed under the provisions of HRS Section 237-9, to engage in and conduct such business as required by said HRS Section 237-9.

(b) Notwithstanding any ordinance to the contrary, it is unlawful for any person to sell or offer for sale, rent or offer for rent, goods, wares, merchandise, foodstuffs, refreshments or other kinds of property or services in the following areas:

- (1) On the Pali Highway from the intersection of Nuuanu Pali Drive to Castle Junction including the Pali Lookout (improved observation area at the summit) and access road thereto;

- (2) Makapuu Lookout (parking area overlooking Makapuu Beach) on Kalaniana'ole Highway;
- (3) On Diamond Head Road from Poni Moi Road to Kulamanu Place;
- (4) Tantalus Drive from Aaliamanu Place to Ualakaa Park;
- (5) Waimea Bay beginning at Maunawai to the Kupupolo Heiau on Kamehameha Highway;
- (6) Within 300 feet of the easterly end of Naupaka Street on Laie Point;
- (7) Waikiki Peninsula upon the public streets, alleys, sidewalks, malls, parks, beaches and other public places in Waikiki commencing at the entrance to the Ala Wai Canal, thence along the Ala Wai Canal to Kapahulu Avenue, thence along the diamond head property line of Kapahulu Avenue to the ocean, thence along the ocean back to the entrance of the Ala Wai Canal;
- (8) Fort Street and Union Malls the length and width of those areas in downtown Honolulu designated as the Fort Street Mall and the Union Street Mall;
- (9) In any school zone as defined in Section 15-2.21 while school is in session. Provided, that this subdivision shall not apply to any authorized participant in a city-sponsored market program, or in any school-sponsored function, or to home door-to-door salespersons, solicitors or canvassers as defined in Section 29-5.1(b). For purposes of this subdivision:

"School" means any public or private elementary, intermediate or high school; and

"School is in session" means one hour before the start of classes and up until one hour after the last scheduled class ends; and

- (10) Halona Scenic Lookout (parking area overlooking the Blowhole) on Kalaniana'ole Highway.

The provisions of this subsection shall not apply to the sale or offer for sale of newspapers of general circulation and to duly authorized concessions in public places. For purposes of this section, "newspaper of general circulation" means a publication published at regular intervals, primarily for the dissemination of news, intelligence and opinions on recent events or newsworthy items of a general character, and reaching all classes of the public.

(c) The provisions of subsection (b) shall not be construed as prohibiting the sale or offer for sale on the public sidewalks of an approved parade route of buttons and souvenir items between the scheduled commencement of a parade as defined in Section 15-2.15 and for which a permit has been issued pursuant to Section 15-24.20, and two hours prior thereto; provided, that written approval thereon is granted in advance by the director of finance upon written application and payment of a fee of \$22.00 by the prospective seller. For purposes of this subsection, "buttons" and "souvenir items" mean and are limited to nonfood items, items which can be carried by the vendor who has obtained the approval herein of the director of finance, items with no disposable wrappers and items related only to the event in honor or commemoration of which the parade is being held. The director of finance shall adopt rules pursuant to HRS Chapter 91 to implement this subsection and no approval under this subsection shall be granted until the adoption and effective date of such rules. (Sec. 26-6.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 88-36, 88-91, 92-73, 96-53, 96-58)

Sec. 29-6.3 Deceptive sales and commercial schemes prohibited.

It is unlawful for any person to engage in an unfair, deceptive, fraudulent or misleading act, practice or representation while promoting any goods, products, services, or property of any kind, upon street, alleys, sidewalks, parks, beaches and other public places. (Sec. 26-6.3, R.O. 1978 (1983 Ed.))

Sec. 29-6.4 Violation--Penalty.

Any person violating any provision of this article shall upon conviction be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding one year, or by both. (Sec. 26-6.4, R.O. 1978 (1983 Ed.))

Article 7. Handbilling in the Waikiki Special Design District

Sections:

- 29-7.1 Purpose and intent.
- 29-7.2 Definitions.
- 29-7.3 Application.

29-7.4 Areas in which handbilling is permitted.

29-7.5 Penalty, summons or citation.

Sec. 29-7.1 Purpose and intent.

(a) The city council finds that reasonable regulation of commercial handbilling activities upon certain public streets, sidewalks, alleys and other public places within Waikiki is a matter of compelling interest to the City and County of Honolulu. The city council finds a compelling need to regulate handbilling in this district to ensure the safety and welfare of both motorists and pedestrians, as well as to preserve and protect the privacy of those living in and those visiting the area.

(b) The Waikiki district is the heart of the city's tourist industry and a major business, entertainment and recreation area for visitors and residents alike. In 1986, there were approximately 5.6 million visitors to the State of Hawaii. The visitor industry is an essential component of the economic vitality of the area and the state. On an average, there were approximately 66,000 visitors in the Waikiki district each day. In addition to this, the resident population of the Waikiki district is approximately 23,000 people. As a result, travel through the district is hindered by heavy pedestrian and vehicular traffic and congestion at all

times of the day. Pedestrian traffic counts on the sidewalk at critical spots along Kalakaua Avenue alone during peak hours reach over 3,900 pedestrians per hour, an extraordinarily high volume. Daily pedestrian traffic on the mauka side of the street at the International Market Place in both directions during peak tourist season is estimated at 39,600. Peak season daily pedestrian traffic on both sides of the street exceeds 65,000. Similar extraordinarily high pedestrian traffic is also found on the sidewalks along Kuhio Avenue and sections of Lewers Street.

(c) Handbilling activities conducted at or close to intersections, crosswalks, bus stops and loading zones impede the flow of pedestrian and vehicular traffic, leading to erratic, evasive maneuvers and posing the hazard of diverting the attentions of and endangering drivers, pedestrians and those alighting from buses. Further, handbillers who obstruct the path of pedestrians or who, without the consent of pedestrians, thrust handbills in their faces or touch their persons or property create hazardous situations, such as pedestrians stepping into busy streets or colliding with other pedestrians to avoid unwanted contacts with handbillers.

(d) In recognition of the traditional importance of privacy in Hawaii, the Constitution of the State of Hawaii, Article I, Section 6, expressly recognizes the right of the people to privacy and provides that this right "shall not be infringed without the showing of a compelling state interest."

(e) Because of the extreme sidewalk congestion on the sidewalks along portions of Kalakaua Avenue, Kuhio Avenue and Lewers Street, the city council finds that the city's compelling interest in protecting pedestrian safety and privacy on portions of these sidewalks outweighs the interest of commercial handbillers. However, in balancing these safety and privacy interests against the free speech interests of noncommercial handbillers, the council finds that noncommercial free speech interests prevail and has thus chosen not to regulate noncommercial handbilling.

(f) Accordingly, this article is designed to protect the safety, welfare and privacy of the public and to restrict handbilling activities in only those areas creating the greatest hazards to pedestrian and motorist safety.

(g) The provisions of this article are declared to be necessary for the accomplishment of the following purposes:

- (1) To ensure that persons desiring to engage in commercial handbilling activities in Waikiki are given a reasonable opportunity to do so;
- (2) To protect the privacy of persons who do not wish to have handbills thrust upon them;
- (3) To ensure the safe, unrestricted, free and orderly flow of vehicular and pedestrian traffic on the most hazardous portions of the most hazardous sidewalks and thoroughfare in Waikiki; and
- (4) To protect the visitor industry in the state, the heart of which is the Waikiki peninsula, by protecting the safety of our visitors.

(Added by Ord. 88-83)

Sec. 29-7.2 Definitions.

As used in this article:

"Department" means the department of finance of the City and County of Honolulu.

2077438016

"Director" means the director of the department of finance of the City and County of Honolulu.

"Commercial handbilling" means the distribution by a person of any printed or written matter, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed matter of literature which is not delivered by United States mail, which:

- (1) Advertises for sale any merchandise, product, commodity or thing;
 - (2) Directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
 - (3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit.
- The term "commercial handbilling" also includes the distribution by any person of any sample or device which is not delivered by the United States mail. (Added by Ord. 88-83)

Sec. 29-7.3 Application.

The provisions of this article apply to Kalakaua and Kuhio Avenues between Kalaimoku Street and Kapahulu Avenue and Lewers Street between Kalakaua Avenue and Kalia Road and the sidewalks thereof. (Added by Ord. 88-83)

Sec. 29-7.4 Areas in which handbilling is permitted.

Handbilling is permitted in all areas to which this article applies except:

- (a) On or within three feet of the curb;
- (b) In any area where the public sidewalk is less than nine feet wide;
- (c) On or within 10 feet of any area designated as a bus stop. In areas where the length of the bus stop is not clearly identified, the front of the bus stop begins at the bus stop sign and extends 100 feet back from the bus stop sign;
- (d) On or within 10 feet of a marked crosswalk area and/or wheelchair ramp;
- (e) In any area where the clear pedestrian passage on the public sidewalk will be less than nine feet;
- (f) On or within 10 feet of any loading zone;
- (g) On or within 10 feet of a public or private driveway; or
- (h) On any street corner, meaning on or within a 35-foot radius from the intersection of the prolongation of the curb lines at any street corner.

(Added by Ord. 88-83)

Sec. 29-7.5 Penalty, summons or citation.

(a) Penalty. Any person conducting handbilling in violation of any provision of this article shall be subject to a fine of \$25.00 for each offense.

(b) Summons or Citation.

(1) There shall be provided for use by authorized police officers, or authorized special police officers, a form of summons or citation for use in citing any violation of this article which does not mandate the physical arrest of the violator. The form and content of such summons or 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 summonses or citations used in modern methods of arrest, so designed as to include all necessary information to make the same valid within the laws and regulations of the state and city. Said summons or citation shall instruct such person to report to the violations bureau of the district court for the district of Honolulu. Each such violator may, within seven days after receipt of such summons, appear at such violations bureau and post a bail bond in such amounts as may be set by the administrative judge of the district court for appearance on the date as may be set out for such person to appear before the district court. Upon failure to appear on such date, said bail bond shall be deemed forfeited. Bail forfeiture by mail shall be permitted.

(2) In every case when a citation is issued, the original of the same shall be given to the violator; provided, that the administrative judge of the district court may prescribe the giving to the violator of a carbon copy of the citation and provide for the disposition of the original and any other copies.

(3) Every citation shall be consecutively numbered, and each carbon copy shall bear the number of its respective original.

(Added by Ord. 88-83)

2077438017

Article 8. Structures on, Above or Below a Public Sidewalk

Sections:

- 29-8.1 Permit required.
- 29-8.2 Newsstands--Permit application--Fees--Conditions.
- 29-8.3 Public telephone enclosures.
- 29-8.4 Curbside tellers.
- 29-8.5 Freight elevators and freight chutes.
- 29-8.6 Public convenience and necessity.
- 29-8.7 Nonwaiver of other requirements.
- 29-8.8 Payment of fees.
- 29-8.9 Revocation of permits.
- 29-8.10 Unlawful to erect gasoline pumps on sidewalks--Penalty.
- 29-8.11 Violation--Penalty.

Sec. 29-8.1 Permit required.

No person shall establish, construct, maintain, keep or operate a newsstand, public telephone enclosure, curbside teller, freight elevator, freight chute or any other structure or appliance on, above or below a public sidewalk or mall without a permit as provided herein, or as may be provided by law. (Sec. 26-8.1, R.O. 1978 (1983 Ed.))

Sec. 29-8.2 Newsstands--Permit application--Fees--Conditions.

- (a) The director of finance shall issue permits authorizing newsstands on public sidewalks in accordance with the provisions and conditions contained herein.
- (b) Each permit shall be valid for the period that fees are assessed and paid.
- (c) A fee of \$15.00 per annum for each newsstand covered by the permit or added by an amendment thereto, shall be charged and collected by the director of finance at the time of the issuance, reissuance or amendment of the permit. Only one permit shall be issued to each applicant listing location and size of each newsstand. Decals bearing a number and the expiration date marked thereon shall be issued for each newsstand after payment of the permit fee. After receipt of the decal, the applicant shall affix the decal in plain sight on the front of the newsstand. The use of the decal is subject to the following conditions:
 - (1) Upon loss, defacement or destruction of a decal, the applicant shall submit an application for a new decal giving such information as shall be required by the director of finance.
 - (2) Upon filing of such application, the director of finance shall issue a new decal and charge the applicant a fee of one dollar therefor.
 - (3) If the director of finance finds that an applicant's newsstand does not have the decal affixed thereto, the director shall order the removal of such stand until such time an application for a permit is filed and a decal, issued therefor, is affixed to such stand.
- (d) The permit shall be nontransferable.
- (e) Upon the breach of any condition or violation of any provision herein, the director of finance shall suspend the permit until the breach of condition or violation is corrected.
- (f) A written application shall be filed with the director of finance which shall include:
 - (1) The name of the applicant and the name under which the business is conducted;
 - (2) The address and telephone number of the applicant;
 - (3) The total number of newsstands and location of each newsstand to be covered by the permit;
 - (4) An authorization for the chief of police to remove and impound any newsstand located in violation of this article and agreement to hold the city, its officers and employees free from any claim for damages or losses resulting from the removal or impounding of such newsstand;
 - (5) The signature of the applicant or of a person authorized to execute instruments on behalf of the applicant;
 - (6) The application shall be accompanied by a certificate of insurance or a copy of a public liability insurance policy issued by a carrier to be approved by the director of finance, and naming specifically the applicant, the city and the State of Hawaii and such other parties designated by the

2077438018

applicant as assureds, and generally the owners, lessees and occupants of property abutting the public sidewalk where each newsstand is located as assured, covering any claim or liability for damages, injuries or deaths, resulting from the placement, condition or use of the newsstands or in any way connected with such newsstands. The policy shall also include automatic coverage for newsstands added or relocated after the application is filed. The minimum amount of coverage under such policy shall be \$100,000.00 for injuries or death to any one person, \$300,000.00 for injuries or deaths involving two or more persons arising from any one occurrence, and \$10,000.00 property damage for each occurrence. The policy shall be kept in force during the entire period of the permit. Neither the applicant nor the carrier shall cancel the policy, except upon 30 days prior written notice to the director of finance.

(g) Hazardous Newsstands.

(1) The chief of police shall send written notice to the permittee whenever the chief of police determines that the condition or location of a newsstand constitutes a hazard to the public.

(2) Within 24 hours of receipt of such notice, the permittee shall remove or correct the condition of the newsstand. The chief of police shall send written notice to the director of finance at the end of such period stating what action, if any, the permittee has taken. If the permittee has failed to take the necessary action, the chief of police shall remove and impound said newsstand and shall so notify the permittee. Any impounded newsstand may be recovered by

the permittee upon the payment of five dollars to cover the cost of removal. Failure of the permittee to pay such charge and claim such newsstand within 30 days after notification of the removal shall be deemed an authorization by the permittee to destroy or otherwise dispose of such newsstand.

(3) Upon receipt of notification that the permittee has failed to remove or correct the condition of the newsstand, the director of finance shall forthwith suspend the permit and notify the council of such suspension.

(h) Conditions of Permit. The permit shall be issued subject to the following conditions:

(1) The permittee shall maintain a current public liability insurance policy, required by this section, at all times during the effective period of the permit.

(2) The permittee shall not add any newsstand after the filing of the application, without amending the permit to specify the number of additional newsstands.

(3) The permittee shall not install any newsstand that exceeds the following dimensions in its normal operating position: 22 inches in width, 45 inches in height and 24 inches in depth. The width and height of the unit may be increased by five inches to accommodate the coin box only.

(4) No newsstand shall be permanently attached or affixed to a public sidewalk or mall.

(5) The permittee shall give written notice to the director of finance whenever a newsstand is permanently removed without replacement.

(Sec. 26-8.2, R.O. 1978 (1983 Ed.))

Sec. 29-8.3 Public telephone enclosures.

(a) The director of finance shall issue permits authorizing public telephone enclosures on or over public sidewalks and malls in accordance with the provisions and conditions contained herein.

(b) Each permit shall be valid for the period that fees are assessed and paid.

(c) A fee of 10 percent of the gross income from each public telephone enclosure covered by the permit, or added by amendment thereto, shall be collected by the director of finance each and every month. Only one permit shall be issued to each applicant.

(d) The permit shall be nontransferable, except to the mortgagee of a duly recorded mortgage or to a purchaser at a foreclosure sale conducted pursuant to the terms and conditions of said mortgage. The transferee shall have all of the rights granted by the permit and shall be subject to all of the requirements contained herein.

(e) Upon the breach of any condition or violation of any provision herein, the director of finance shall suspend the permit until the breach of condition or violation is corrected.

(f) The permittee shall surrender such permit to the director of finance upon the removal of all public telephone enclosures authorized by said permit.

(g) A written application shall be filed with the director of finance which shall include:

(1) The name of the applicant and the name under which the business is conducted;

(2) The address and telephone number of the applicant;

2077438019

- (3) The total number of public telephone enclosures to be covered by the permit;
- (4) The location of each public telephone enclosure;
- (5) The name and address of any mortgagee under a duly recorded mortgage to which the public telephone enclosures would be subject;
- (6) An authorization for the chief of police to remove and impound any public telephone enclosure located in violation of the ordinance and an agreement to hold the city, its officers and employees free from claim for damages or losses resulting from the removal or impounding of such enclosure;
- (7) The signature of the applicant or of a person authorized to execute instruments on behalf of the applicant.
- (h) The following documents shall be filed with each application:
 - (1) A certificate of insurance or a copy of a public liability insurance policy, issued by a carrier, to be approved by the director of finance, and naming specifically the applicant, the city and the State of Hawaii, and such other parties designated by the applicant as assureds, and generally the owners, lessees and occupants of property abutting the public sidewalk or mall where each public

telephone enclosure is located as assureds, covering any claim or liability for damages, injuries or deaths, resulting from the placement, condition or use of the public telephone enclosure or in any way connected with such enclosure. The policy shall also include automatic coverage for public telephone enclosures added or relocated after the application is filed. The minimum amount of coverage under such policy shall be \$100,000.00 for injuries or death to any one person, \$300,000.00 for injuries or deaths involving two or more persons arising from any one occurrence, and \$10,000.00 property damage for each occurrence. The policy shall be kept in force during the entire period of the permit. Neither the applicant nor the carrier shall cancel the policy, except upon 30 days prior written notice to the director of finance.

- (2) Written approval from the chief of police that the requested location and size of each public telephone enclosure does not constitute a hazard to or impede the traffic of pedestrians or vehicles.
- (3) Written approval from the building superintendent that the size, design, construction and specification of each particular type of public telephone enclosure are satisfactory for public safety.
- (4) Written authorization signed by any mortgagee under a duly recorded mortgage to which the public telephone enclosures are subject.

(i) Hazardous Enclosures.

- (1) The chief of police shall send written notice to the permittee and the mortgagees mentioned herein whenever the chief determines that the condition or location of a public telephone enclosure constitutes a hazard to the public or is impeding traffic. A copy of such notice shall be sent to the director of finance.
- (2) Within 24 hours of receipt of such notice, the permittee and/or mortgagee shall remove, or correct the condition of the public telephone enclosure. The chief of police shall send written notice to the director of finance at the end of such period stating what action, if any, the permittee has taken. If the permittee and/or mortgagee has failed to take the necessary action, the chief of police shall remove and impound said enclosure. Upon the payment of a \$25.00 charge for the removal and impounding of each of such enclosures, the permittee and/or mortgagee may reclaim said enclosure. Failure to pay such charge and to claim said enclosure within 30 days after notification of such impounding shall be deemed an authorization by the permittee and/or mortgagee to destroy or otherwise dispose of such enclosure.
- (3) Upon receipt of notification that the permittee and/or mortgagee has failed to take the necessary action, the director of finance shall forthwith suspend the permit and notify the council of suspension.

(j) Conditions of Permit. The permit shall be issued subject to the following conditions:

- (1) The permittee shall maintain a current public liability insurance policy, required by this section, at all times during the effective period of the permit.
- (2) The permittee shall not add or relocate any public telephone enclosure after the filing of the application, without amending the permit to specify the number and locations of additional public telephone enclosures and the new locations of relocated public telephone enclosures and without the approval of the chief of police and the building superintendent as provided under subsection (h) for such additional or relocated enclosures. The approval of the building superintendent shall not be

necessary if the public telephone enclosure is of a type previously approved.

(3) The permittee shall give written notice to the director of finance whenever a public telephone enclosure site is permanently vacated.

(Sec. 26-8.3, R.O. 1978 (1983 Ed.); Am. Ord. 96-58)

Sec. 29-8.4 Curbside tellers.

(a) All provisions contained in Section 29-8.3 shall be applicable to curbside tellers, except as obviously limited to public telephone enclosures and except as otherwise provided herein.

(b) The applicant need not be franchised; however, only applicants who are authorized to do business in Hawaii as a bank, savings and loan association, credit union or financial services loan company shall be eligible for such permit.

(c) A fee of \$120.00 per annum for each curbside teller covered by the permit, or added by amendment thereto, shall be charged and collected by the director of finance at the time of issuance, reissuance or amendment of the permit. Only one permit shall be issued to each applicant.

(d) The provisions regarding removal, impounding and reclaiming of public telephone enclosures shall not be applicable to curbside tellers.

(Sec. 26-8.4, R.O. 1978 (1983 Ed.); Am. Ord. 96-58)

Sec. 29-8.5 Freight elevators and freight chutes.

(a) All provisions contained in Section 29-8.3 shall be applicable to freight elevators and freight chutes, except as obviously limited to public telephone enclosures and except as otherwise provided herein.

(b) The applicant need not be franchised; however, the applicant must either own, lease or be doing business on the property abutting the public sidewalk or mall at the location of the freight elevator or freight chute.

(c) A fee of \$120.00 per annum for each freight elevator and freight chute covered by the permit, shall be charged and collected by the director of finance at the time of issuance, reissuance or amendment of the permit. Only one permit shall be issued to each applicant.

(d) The provisions regarding removal, impounding and reclaiming of public telephone enclosures shall not be applicable to freight elevators and freight chutes.

(e) The provisions contained in Section 29-8.3 (h) pertaining to the approval of building superintendent shall be applicable to freight elevators.

(f) The provisions contained in Section 29-8.3 (h) pertaining to automatic coverage for additional enclosures shall not be applicable to freight elevators and freight chutes.

(g) Freight chutes shall be covered by two equal size doors each hinged to the side of the chute perpendicular to length of the sidewalk or mall. The doors shall be flush to the sidewalk or mall when closed and shall be locked. The outside surface shall be of a nonskid finish and contain no openings except as necessary for the locking mechanism. The doors shall be capable of supporting 300 pounds per square foot evenly distributed. Each door shall be locked into a 90 degree position when open. Prior to opening, an attendant shall be stationed on the sidewalk at the side of the chute until the doors are locked into the ninety degree position. At no time shall the doors and goods completely block the flow of pedestrians on the sidewalk or mall. The doors shall not remain open nor shall goods remain on the sidewalk or mall for more than 15 minutes during any period of use.

(h) The applicant shall submit written approval of the department of public works of the city that the freight chute and doors are in compliance with the provisions of this article when applying for a permit.

(i) Nothing contained in this section shall be construed to permit the installation of freight elevators and chutes other than those in existence at the effective date of this article.

(Sec. 26-8.5, R.O. 1978 (1983 Ed.))

Sec. 29-8.6 Public convenience and necessity.

The permits provided herein shall be issued subject to a finding by the director of finance, upon evidence submitted by the applicant, that the public convenience and necessity require the issuance thereof. (Sec. 26-8.6, R.O. 1978 (1983 Ed.))

Sec. 29-8.7 Nonwaiver of other requirements.

No provision contained in this article shall be interpreted to modify any state or city law or regulation pertaining to fees, licenses, permits, standards and specifications of the equipment and structures covered by this article. (Sec. 26-8.7, R.O. 1978 (1983 Ed.))

Sec. 29-8.8 Payment of fees.

All fees shall be paid in advance on a yearly basis computed from the first of July to the 30th of June. The fees for any structure placed on the sidewalk or mall after the first of July shall be prorated on a monthly basis. No refund of fees shall be made. (Sec. 26-8.8, R.O. 1978 (1983 Ed.))

Sec. 29-8.9 Revocation of permits.

Notwithstanding any other provision herein to the contrary, any permit may be revoked at any time by the council. (Sec. 26-8.9, R.O. 1978 (1983 Ed.))

Sec. 29-8.10 Unlawful to erect gasoline pumps on sidewalks--Penalty.

- (a) It is unlawful for any person to erect or place or permit, or cause to be erected or placed any gasoline pumps upon any sidewalk or mall in the city.
- (b) Any person violating this provision shall, upon conviction, be punished by a fine not to exceed five dollars for each day of violation.
(Sec. 26-8.10, R.O. 1978 (1983 Ed.))

Sec. 29-8.11 Violation--Penalty.

Any person establishing, constructing, maintaining, keeping or operating a newsstand, public telephone enclosure, curbside teller, freight elevator, freight chute or any other structure or appliance on, above or below a public sidewalk or mall without a valid permit as provided herein, shall upon conviction be deemed guilty of a misdemeanor and punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding one year, or by both. (Sec. 26-8.11, R.O. 1978 (1983 Ed.))

Article 9. Procedure on Arrest**Sections:**

- 29-9.1 Procedure.
29-9.2 Summons or citation.

Sec. 29-9.1 Procedure.

Any authorized police officer, upon making an arrest for a violation of this chapter, shall take the name and address of the alleged violator and shall issue to the alleged violator in writing a summons or citation hereinafter described, notifying the alleged violator to answer to the complaint to be entered against such person at a place and at a time provided in said summons or citation. (Sec. 26-9.1, R.O. 1978 (1983 Ed.))

Sec. 29-9.2 Summons or citation.

- (a) There shall be provided for use by authorized police officers, a form of summons or citation for use in citing violators of this chapter where the circumstances do not mandate the physical arrest of such violators. The form and content of such summons or 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 summonses or 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.
- (b) In every case when a citation is issued, the original of the same shall be given to the violator; provided, that the administrative judge of the district court may prescribe by giving to the violator a carbon copy of the citation and provide for the disposition of the original and any other copies.
- (c) Every citation shall be consecutively numbered and each carbon copy shall bear the number of

its respective original.
(Sec. 26-9.2, R.O. 1978(1983 Ed.))

Article 10. Use of Malls

Sections:

- 29-10.1 Declaration of intent.
- 29-10.2 Definitions.
- 29-10.3 Powers and duties of the department.
- 29-10.4 Appeals.
- 29-10.5 Penalty--Procedure on arrest--Summons or citation.
- 29-10.6 Severability.

Sec. 29-10.1 Declaration of intent.

The council of the City and County of Honolulu finds that:

- (a) Indiscriminate and uncontrolled use of the malls by individuals, commercial establishments fronting the malls and other organizations and deterioration of the aesthetic aspects of the malls are detrimental to the public interest; and
- (b) The department of parks and recreation is able to provide effective control and coordination of permittees' use of the malls, and to preserve or upgrade the aesthetic aspects of the malls; the council therefore delegates to the department of parks and recreation the authority to

control and coordinate permittees' use of the malls in accordance with the terms of this article. The department may post signs to prohibit skateboarding and other activities regulated under Section 10-1.2 when necessary for the protection and preservations of the malls and facilities thereon, or the health, safety and welfare of persons or property.

- (c) The department of transportation services is able to provide effective control and coordination of vehicular traffic on the malls; the council therefore delegates to the department of transportation services the authority to control and coordinate vehicular traffic on the malls.
(Sec. 26-10.1, R.O. 1978 (1983 Ed); Am. Ord. 91-29)

Sec. 29-10.2 Definitions.

"Council" means the city council.

"Department" means the department of parks and recreation, unless the context otherwise requires.

"Event" means the use of the malls (1) for membership drives sponsored by any person; and/or (2) for organized activities sponsored by any person on any portion of the malls, whether for profit or not; and/or (3) for meetings, which are defined to mean any gatherings on the malls sponsored by any person; and/or (4) for speeches or other communications made by any person and addressed to other users of the mall for the purpose of influencing their views on any subject.

"Mall" means any pedestrian promenade which is or has been established and is under the control, management, or ownership of the city.

"Malls district" means the area from a private property line to a private property line as to the width of the mall, and physical demarcation indicating the length of the mall.

"Merchant" means any property owner who has been assessed for the malls improvement district, including lessees or tenants of such property. (Sec. 26-10.2, R.O. 1978 (1983 Ed.))

Sec. 29-10.3 Powers and duties of the department.

- (a) Applications. The department shall receive and review applications for permits for the use of the malls by any person where required by subsection (b) of this section, on forms approved by the department. The filing of applications shall be pursuant to rules and regulations adopted by the department. Said applications for permits shall be filed not fewer than 10 working days prior to the date of the proposed event. There shall be no charge for the filing of an application. The department shall inform the applicant in writing of any approval or denial of an application by delivering or mailing to the last known address of the applicant a copy of the department's decision within five working days before the proposed event.

(b) Permits. The department shall issue permits for the use of a particular area of a mall or malls for events, together with any activities reasonably related thereto, whenever such events promote: the safety, health and welfare of the public; the use of the malls for which they were established; the interest of the malls district; or any other community endeavors sponsored, undertaken or promoted by duly established organizations. The department shall determine and establish by rules as prescribed herein the number and boundaries of areas within each mall which shall reasonably promote the safety, health and welfare of the public; the use of the malls for which they were established; the interest of the malls district; or any other community endeavors sponsored, undertaken or promoted by duly established organizations.

All permits may be issued subject to the following restrictions:

(1) That such events do not impair the health, safety and welfare of the users of the malls and of the merchants and the property owners in the malls, and do not violate any statutes, ordinances or rules or regulations having the effect of law;

(2) No permit shall be granted for more than seven consecutive calendar days in any calendar year;

(3) No permit shall be issued for more than one event in a particular area of a mall during a given period; provided, that several areas of a mall or malls may be used concurrently for such event;

(4) No permit shall be issued to any person for an event in a particular area of a particular mall more than once during a calendar year; provided, that any events sponsored by merchants shall be done collectively as an association of merchants and not individually; and provided further, that any person who has the privilege of using a particular mall during a calendar year as provided herein, may

submit another application, and the department may issue a permit to such person if there are no conflicts in the use of the malls granted to other permittees, or no applicant has submitted a request for the use of the malls for the date or period requested by such prior user of the mall; and

(5) A security deposit for each day of use for the purpose of cleaning up the malls if a permittee fails so to do, or as reimbursement for any damage to plants or other property of the city or to any private property fronting or situated alongside the malls. Such deposit shall be returned to the applicant if the foregoing situations have not occurred; provided, that if such deposit has been held for more than a month, interest at the prevailing rate on a month-to-month basis shall be paid by the city.

The department shall establish monetary deposit schedules based on the number of people utilizing a specific area for which a permit has been issued, the term of the permit and the type of activity; if a permittee charges admission to the permittee's functions or activities, the director shall require that the permittee obtain a public liability insurance policy which names the City and County of Honolulu as an insured party.

(c) Advisory Function of the Department. The department shall recommend to the merchants or the property owners as the case may be: (1) appropriate renovations or repairs to facades of buildings fronting the malls; (2) appropriate renovations or repairs to overhanging signs and permanent marquees fronting the malls; and (3) recommend proposals to preserve or upgrade the aesthetic aspects of the malls to the appropriate city agency or merchants.

(d) Control of Repairs and Traffic. The department shall control and coordinate pedestrian traffic on, and use of, the malls. The department of transportation services shall control and coordinate vehicular traffic on the malls, including the timing and coordination of vehicles on the malls for the purpose of repairing or removing public utility services or in connection with construction on real property abutting the malls.

(e) Newsstands, Public Telephone Enclosures, Dumpsters and so forth. The department shall confer with the director of finance relative to permits and placement of newsstands, public telephone enclosures, freight elevators, freight chutes, and curbside tellers, all of which are under the jurisdiction of the director of finance as provided in Article 8 of this chapter. The department, in consultation with the department of land utilization, may allow the temporary placement of dumpsters on a mall during a period of construction, where the city has entered into a development agreement for construction on the mall and where the establishments abutting the mall cannot accommodate the dumpster on their property during the period of construction.

(f) Rules and Regulations. To promulgate and adopt rules and regulations, including rules of procedure for the suspension or revocation of permits and such other adjudicatory functions, all

2077438024

pursuant to HRS Chapter 91, as amended which are not inconsistent with the provisions contained herein.

(g) **Hearings.**

(1) For revocation or suspension of permit. To conduct hearings pursuant to the provisions of HRS Chapter 91, as amended, before revoking or suspending any permit. No hearing shall be required as a prerequisite to the issuance of any permit.

(2) Notice of Determination. If after the hearing it is determined that a permit shall be revoked or suspended, the applicant shall be informed in writing and in the form as provided in HRS Chapter 91, as amended.

(Sec. 26-10.3, R.O. 1978 (1983 Ed.); Am. Ord. 91-29)

Sec. 29-10.4 Appeals.

An applicant whose permit for the use of the malls has been denied, revoked or suspended by the department may file within 30 days after receipt of said revocation, suspension or denial an appeal for a hearing with the city council. (Sec. 26-10.4, R.O. 1978 (1983 Ed.))

Sec. 29-10.5 Penalty--Procedure on arrest--Summons or citation.

(a) **Penalty.** Any person violating the provisions of this article shall be, upon conviction, subject to a fine of \$250.00 or 30 days in the city jail, or both.

(b) **Procedure on Arrest.** Any authorized police officer, or authorized special police officer, upon making an arrest for a violation of this article, shall take the name and address of the alleged violator and shall issue to

the alleged violator in writing a summons or citation hereinafter described, notifying the alleged violator to answer to the complaint to be entered against such person at a place and at a time provided in said summons or citation.

(c) **Summons or Citation.**

(1) There shall be provided for use by authorized police officers or authorized special police officers, a form of summons or citation for use in citing violators of this article which does not mandate the physical arrest of such violators. The form and content of such summons or 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 summonses or 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, the original of the same shall be given to the violator; provided, that the administrative judge of the district court may prescribe by giving to the violator a carbon copy of the citation and provide for the disposition of the original and any other copies.

(3) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

(Sec. 26-10.5, R.O. 1978 (1983 Ed.))

Sec. 29-10.6 Severability.

The provisions of this article are declared to be severable. In accordance therewith, if any portion of said article is held invalid for any reason, the validity of any other portion of this article shall not be affected and if the application of any portion of this article to any person, property or circumstance is held invalid, the application hereof to any other person, property or circumstance shall not be affected. (Sec. 26-10.6, R.O. 1978 (1983 Ed.))

Article 11. Dispensing Racks Along Kalakaua Avenue

Sections:

29-11.1 **Purpose and intent.**

29-11.2 **Regulation--Assignment--Maintenance.**

2077438025

Sec. 29-11.1 Purpose and intent.

- (a) Kalakaua Avenue, in the heart of the Waikiki business district, is one of the major transportation routes through the congested Waikiki Peninsula area, as well as the tourist industry center for the City and County of Honolulu.
- (b) The sidewalks of Kalakaua Avenue accommodate an extraordinarily high volume of pedestrian traffic.
- (c) Pedestrian traffic counts for Kalakaua Avenue sidewalks at critical spots during peak hours reach over 3,900 pedestrians per hour. Daily pedestrian traffic on the mauka side of the street at the International Market Place in both directions during the peak tourist season is estimated at 39,600. Peak season daily pedestrian traffic on both sides of the street exceeds 65,000.
- (d) The sidewalks in this area are also used for dispensing publications through the use of dispensing racks.
- (e) The city has undertaken a \$10,700,000.00 Kalakaua Avenue safety and beautification project for which one of the major purposes is to provide maximum safety and free flow of pedestrian traffic on the sidewalks of Kalakaua Avenue.
- (f) As part of this project, the city has expended some \$300,000.00 in the construction of publication dispensing structures at 21 locations along Kalakaua Avenue to be used for dispensing publications in lieu of the newsstands presently found in the area, in order to conserve the natural beauty of the Waikiki business district, foster sightliness and to promote the public health, welfare and safety while providing convenient access to publications.
- (g) In order to provide access to these publications and, at the same time, maintain maximum pedestrian safety and traffic flow on the sidewalk areas along Kalakaua Avenue, the city council adopts the following legislation to accomplish this purpose.

(Added by Ord. 89-14)

Sec. 29-11.2 Regulation--Assignment--Maintenance.

- (a) Definitions. As used in this article:

"Director" means the director of finance, City and County of Honolulu.

"Dispensing racks" means the spaces within the city-constructed publication dispensing structures located on Kalakaua Avenue.

"Kalakaua Avenue" means that portion of Kalakaua Avenue from its intersection with Ala Moana Boulevard to Kapahulu Avenue excluding the mauka side thereof between Ala Moana Boulevard and Kuhio Avenue.

"Location" means one of the city-constructed publication dispensing structures located along Kalakaua Avenue as shown in the map made a part of and attached to the ordinance codified in this article.

"Publications" means and includes, but is not limited to, daily and/or periodical newspapers and visitor information publications normally distributed through newsstands or dispensing racks. Publications shall not include handbills.

- (b) Dispensing Racks.

(1) There shall be constructed at 21 locations along the sidewalk of Kalakaua Avenue clusters of coin-operated and noncoin-operated publication dispensing racks as shown in the map attached to the ordinance codified in this article. The dispensing racks shall be at least eight and one-half inches in width. This paragraph shall not be construed to prohibit the construction of additional publication dispensing structures by the city.

(2) At each location there shall be a minimum of 12 noncoin-operated dispensing racks to accommodate free publications and a minimum of four coin-operated dispensing racks to accommodate paid publications.

- (c) Permits.

(1) Any person desiring a dispensing rack within any of the 21 locations shall submit a written application for a permit with the director of finance no earlier than March 1st and no later than May 1st immediately preceding the date of issuance of permits under this subsection setting forth the following:

- (A) The name, mailing address and telephone number of the applicant and the name under

2077438026

which the applicant conducts business, if any;

- (B) The name, mailing address and telephone number of the individual person or persons who will have supervision of and responsibility for the use and maintenance of the dispensing rack;
- (C) The name of the publication for which the dispensing racks are desired;
- (D) Whether the application is for coin-operated or noncoin-operated dispensing racks; and
- (E) The number of dispensing racks desired.

(2) There shall be one permit issued to each publication listing the number and location of the dispensing racks assigned.

(3) Permits shall be issued for three-year periods from July 1st of the year of issuance to June 30th of the third following year. The first permits issued hereunder shall be effective for the three-year period beginning on July 1, 1988. The permits shall not be transferable.

(4) There shall be a permit fee of \$140.00 per annum per dispensing rack. All fees shall be paid on a yearly basis for the period from July 1st to the following June 30th.

Payment of the fee for the initial year of the permit term shall be made upon the issuance of the permit. Payment for the second and third year of the permit term shall be in advance on or before June 1st of the second and third year, respectively. No refund of fees shall be made. Fees for permits issued after July 1st of the initial permit year shall be prorated on a monthly basis. Nonpayment of the annual permit fee shall result in the cancellation of the permit for the remainder of the permit term and the dispensing racks included in the permit shall be deemed abandoned.

(5) A decal shall be issued for each dispensing rack upon payment of the permit fee. The decal shall be affixed in plain sight on the front of the dispensing rack. The use of the decal is subject to the following conditions:

(A) Upon loss, defacement or destruction of a decal, the permittee shall submit an application for a new decal giving such

information as shall be required by the director of finance; and

(B) Upon filing of such application, the director of finance shall issue a new decal and charge the permittee a fee of one dollar therefor.

(6) Each permit issued shall be subject to this article and any other laws and rules and regulations of the state and the city, whether in existence at the time of issuance of such permit or enacted or amended thereafter.

(d) Allocation of Designated Dispensing Racks. Except as provided in subsection (e) of this section, the process of allocation of dispensing racks shall be as follows:

(1) The director shall number each dispensing rack for the purpose of identification.

(2) The director shall determine the number of publications applying for a permit and the number of dispensing racks each publication desires up to 21 dispensing racks per publication.

(3) Each publication shall be assigned a number by lottery. The lottery shall be held on the first Wednesday of June on the first year of each three-year term.

(4) The director shall assign dispensing racks to each publication as follows:

(A) The publication which has been assigned number one by lottery shall select its first dispensing rack;

(B) The publication which has been assigned number two by lottery shall select its first dispensing rack;

(C) This process shall be repeated until each publication has been assigned its first dispensing rack.

(D) Thereafter, publication number one shall select its second dispensing rack and then publication number two shall select its second dispensing rack and so on until each publication has selected its second dispensing rack.

(E) This procedure shall be repeated until all dispensing racks have been assigned.

(F) A publication shall be withdrawn from the assignment process once it has been assigned the number of dispensing racks originally applied for.

(5) There shall be no more than one dispensing rack per location dispensing the same publication.

(e) Allocation of Unassigned or Abandoned Dispensing Racks.

(1) Should there be extra dispensing racks available after each publication has been assigned dispensing racks pursuant to subsection (d)(4) of this section, or if any dispensing racks become

2077438027

available through abandonment as defined in subsection (f) of this section, permits for these extra or abandoned dispensing racks may be issued to publications desiring dispensing racks or additional dispensing racks subject to the conditions set forth in this subsection.

(2) The permits for these extra or abandoned dispensing racks shall be assigned for each July 1st to the following June 30th period by lottery held on the first Wednesday of June of each year pursuant to rules and regulations to be adopted by the director. Such lottery need not be held for the first year of the three-year period for which permits are issued pursuant to subsection (c)(4) of this section and may be held more frequently than annually should there exist more than 21 unused dispensing racks. The fees for such permits shall be \$140.00 per annum per dispensing rack payable as provided in subsection (c)(4) of this section.

(3) Any publication for which no permit application was made for the current three-year permit period, but for which dispensing racks for the current permit period are desired, may submit an application for that period with the director and shall, if such application is submitted, be placed on a waiting list to be maintained by the director and shall be eligible for the lottery.

(4) If a publication applies for more dispensing racks than may be accommodated under subsection (d)(4) of this section, the outstanding application shall be placed on a waiting list to be maintained by the director and such publication shall be eligible for the lottery held pursuant to this subsection.

(5) Preference in the lottery for extra or abandoned dispensing racks shall be given to publications which did not make an application for permit at the beginning of the current permit period.

(6) The director of finance may issue new permits or may amend outstanding permits to reflect the allocation of dispensing racks pursuant to this subsection. Permits issued pursuant to this subsection shall expire on the same date as permits issued pursuant to subsection (c) of this section.

(f) Abandonment of Dispensing Racks.

(1) A dispensing rack deemed not in active use for a period of 20 consecutive days shall be deemed abandoned.

(2) A dispensing rack is deemed not in active use when it is not occupied by the publication for which a permit was issued for said dispensing rack.

(3) (A) The department of finance shall notify the holder of the permit of any dispensing rack deemed abandoned that such permit holder must surrender the permit or provide written reasons why such permit should not be revoked or amended to delete the abandoned dispensing rack within 10 days of the date of the written notification.

(B) Failure to respond or provide sufficient reason why the director should not revoke or amend said permit shall result in the director of finance revoking such permit or amending such permit to delete the abandoned dispensing rack. The dispensing rack under such revoked permit or deleted from the permit shall be made available for reassignment to another applicant under subsection (e) of this section.

(4) The holder of a permit for a dispensing rack may surrender the permit to the director of finance prior to its expiration when the holder of such permit no longer wishes to distribute the publication through the dispensing rack. The dispensing rack which becomes available under this subsection shall be reassigned to another applicant under the provision of subsection (e)(2) of this section.

(g) Maintenance of the Coin-Operated Dispensing Racks. It shall be the responsibility of the holder of a permit for a coin-operated dispensing rack to keep such rack in proper maintenance and order.

(h) Prohibition and Penalty.

(1) There shall be no publication dispensing stand or machine allowed along Kalakaua Avenue or within 100 feet mauka or makai of the respective edges of the right-of-way boundary of Kalakaua Avenue except the city-constructed locations and dispensing racks therein.

(2) Any person erecting, maintaining, keeping or using a dispensing stand or machine in violation of this subsection or violating any provision of this article, or any rules or regulations adopted under this article, shall upon proof of violation be fined not less than \$300.00. Any stand or machine placed or erected in violation of this subsection shall be subject to forfeiture by the department of finance if not removed within 24 hours of demand for removal by the director of finance. If the publication dispensing stand or machine does not display the name and address of the

2077438028

owner or operator thereof, the demand for removal shall be sufficient, if the demand is prominently affixed to the dispensing stand or machine by the department of finance.

(i) Notwithstanding Section 29-8.2, this article shall govern the placement of publication dispensing racks along Kalakaua Avenue as designated in subsection (a) of this section and within 100 feet mauka and makai of the respective edges of the right-of-way boundary thereof.

(Added by Ord. 89-14)

Article 12. Charitable Sales Activities on Public Places

Sections:

29-12.1 Definitions.
 29-12.2 Application.
 29-12.3 Locations and hours of operation for charitable sales activity from tables pursuant to a permit.

29-12.4 Prohibition.
 29-12.5 Applications for permits.
 29-12.6 Information required of applicant.
 29-12.7 Assignment of sales location.
 29-12.8 Table size, staffing and signage.
 29-12.9 Manner of display.
 29-12.10 Fact sheet.
 29-12.11 Permit on site.
 29-12.12 Conformity to permit conditions.
 29-12.13 Authority of the director.
 29-12.14 Violation--Penalty.
 29-12.15 Severability.
 29-12.16 Contingent effectiveness.

Sec. 29-12.1 Definitions.

Whenever used in this article unless a different meaning clearly appears from the context:

"Applicant" means the nonprofit organization which is in the process of applying for a charitable sales permit pursuant to this article.

"Application month" means the calendar month preceding the permit month.

"Department" means the department of finance of the City and County of Honolulu.

"Director" means the director of finance of the City and County of Honolulu.

"Message-bearing merchandise" means a product bearing a message that is inextricably intertwined with the purpose and activities of the permittee being sold under a permit issued pursuant to this article. All message-bearing merchandise must constitute or contain a conspicuous political, religious, philosophical or ideological message having intellectual content that is informative of the purpose of the permittee's organization and that is permanent, readable or recognizable from a reasonable distance.

"Nonprofit organization" means an organization that can establish that it:

(1) Is exempt (or would be qualified for an exemption) from federal income tax pursuant to Section 501 of the United States Internal Revenue Code;

(2) Is exempt (or qualified for an exemption) from the Hawaii state income tax as a nonprofit organization; or

(3) Is organized and operated exclusively for religious, charitable, scientific, educational or political purposes on a nonprofit basis in which no part of the net earnings of the organization inures to the benefit of any private individuals.

"Permit month" means the calendar month in which a permit period begins.

"Permit period" means the calendar week for which a permit is valid.

"Permittee" means the nonprofit organization that has been issued a charitable sales permit pursuant to this article.

"Person" includes individuals and organizations.

"Public place" means the same as is defined in Section 29-1.1.

"Sales" means the transfer of or offer to transfer merchandise for money, or requests for donations in exchange for merchandise.

"Waikiki special district" means Waikiki special district as defined in Section 21-7.80-1. (Added by Ord. 94-86)

Sec. 29-12.2 Application.

The provisions of this article shall apply to sales of message-bearing merchandise in the Waikiki special district. (Added by Ord. 94-86)

Sec. 29-12.3 Locations and hours of operation for charitable sales activity from tables pursuant to a permit.

Notwithstanding Sections 29-6.1 and 29-6.2, within the Waikiki special district, nonprofit organizations that obtain a permit from the director in accordance with this article shall be permitted to engage in the sale of message-bearing merchandise. Such activity shall be conducted during daylight hours, but no earlier than 8:00 a.m. or later than 6:00 p.m., from tables at the following locations:

- (1) The makai side of Ala Wai Boulevard between Lipeepee Street and Kalakaua Avenue;
- (2) The Ewa side of Keoniana Street between Kalakaua Avenue and Ala Wai Boulevard;
- (3) The Ewa side of Kuamoo Street between Kalakaua Avenue and Ala Wai Boulevard;
- (4) The Ewa side of Namahana Street between Kuhio Avenue and Ala Wai Boulevard;
- (5) The Ewa side of Kalaimoku Street between Kalakaua and Kuhio Avenues;
- (6) The Diamond Head side of Saratoga Road between Kalakaua Avenue and Kalia Road;
- (7) The Ewa side of Lewers Street between Kalakaua Avenue and Lauula Street;
- (8) The Diamond Head side of Lewers Street between Kalakaua Avenue and Lauula Street;
- (9) The Ewa side of Lewers Street between Kuhio Avenue and Ala Wai Boulevard;
- (10) The Ewa side of Royal Hawaiian Avenue between Lauula Street and Waikolu Way;
- (11) The Diamond Head side of Seaside Avenue between Kalakaua and Kuhio Avenues;
- (12) The Ewa side of Walina Street between Kuhio Avenue and Ala Wai Boulevard;
- (13) The Diamond Head side of Walina Street between Kuhio Avenue and Ala Wai Boulevard;
- (14) The Ewa side of Kaiulani Avenue between Kalakaua and Kuhio Avenues; and
- (15) The Diamond Head side of Ohua Avenue between Kalakaua and Kuhio Avenues.

These locations are shown on the map designated as Exhibit A, found at the end of this article. There shall be no more than two tables at each location identified in this section. The director, with the assistance of the city department of transportation services, shall designate with appropriate markings at the locations the permitted place for each table at each location. No permittee shall maintain more than one table at each location. A separate permit shall be required for each location.

If any duly authorized construction work occurs at or near any of the above locations, and the permitted sales activities would interfere with the construction work or would create a public safety hazard, the director is authorized to temporarily suspend use of the affected locations until such time as the construction work is completed. Upon completion of the construction work, the director shall again issue permits to qualified nonprofit organizations for sales activities under this article at the affected locations. (Added by Ord. 94-86)

Sec. 29-12.4 Prohibition.

(a) Except as otherwise permitted by this article and any other provision in the Revised Ordinances of Honolulu 1990, no person shall engage in any sales activities upon the streets, alleys, sidewalks, parks, beaches or other public places in the Waikiki special district.

(b) No person shall use any city-owned or maintained street furniture or structure, including any bench, planter, utility cabinet, or other street furniture or structure permanently installed on public property for the display of anything whatsoever in connection with the sale of merchandise, nor otherwise put such bench, planter, utility cabinet, street furniture or structure to use in furtherance of such sale.

(Added by Ord. 94-86)

Sec. 29-12.5 Applications for permits.

2077438030

- (a) Applications for permits shall be obtained free of charge from the director. Only those applications on department forms or as otherwise prescribed by the department will be considered.
- (b) Only nonprofit organizations shall be eligible for a permit under this article, but any nonprofit organization submitting a timely application containing the information required by Section 29-12.6 shall be eligible for a permit or permits in accordance with the provisions of Section 29-12.7.
- (c) An application for permit for any permit month shall be received by the department during regular business hours between the first and the tenth day of the application month.
- (d) Each nonprofit organization shall submit no more than one application per application month listing the location or locations and permit period or periods for which a permit or permits are desired in the permit month. Each application is eligible for one or more permits in the permit month subject to Section 29-12.7.
- (e) All permits shall be valid for a period of one calendar week and shall be irrevocable and nontransferable.
(Added by Ord. 94-86)

Sec. 29-12.6 Information required of applicant.

- (a) The permit application shall require the following information:
 - (1) The name and address of the nonprofit organization;
 - (2) The names of individuals in charge of organizing the charitable sales activity, and their addresses and telephone numbers where they may be reached during business hours;
 - (3) The names of individuals who are to be involved in sales and their affiliation with the nonprofit organization;
 - (4) A description of merchandise involved in the applicant's sales, but this shall not be construed to include the message or the content of the message thereon;
 - (5) The mission and purpose of the applicant and the purpose of the sales activity;
 - (6) Proof of the applicant's nonprofit status. Such proof shall include proof of Internal Revenue tax exempt status as nonprofit organization, file-stamped copy of nonprofit organization registration pursuant to HRS Chapter 415B, or file-stamped copy of charitable organization registration pursuant to HRS Chapter 467B; and
 - (7) The location at and permit period for which the applicant desires to engage in the sales activity.
(Added by Ord. 94-86)

Sec. 29-12.7 Assignment of sales location.

- (a) Upon receipt of the information required in Section 29-12.6, the director shall award the applicant a permit on a nondiscretionary basis, unless the number of applicants exceeds the number of spaces available at the location. If the latter occurs, then the spaces shall be allocated in accordance with subsection (b).
- (b) If the number of applicants for any permit period at any location exceeds the number of spaces available, a lottery shall be held on the 20th day of the application month or, if the 20th day falls on a weekend or holiday, on the first business day thereafter, for all permits to be effective in the succeeding month (permit month). The lottery shall be conducted as a rotating drawing or on some other basis which ensures that all applicants participating therein have an equal opportunity to obtain a permit to be effective during the permit month.
(Added by Ord. 94-86)

Sec. 29-12.8 Table size, staffing and signage.

- (a) The tables used by permittees shall not exceed nine square feet in area, nor shall any side of the table exceed three feet in length.
- (b) Each permittee shall be limited to one sign of no more than one foot by two feet per table. The permittee's name shall be displayed in a readable manner on said sign.
- (c) Each permittee shall have no more than one person at each table engaged in sales activities at all times during the permitted hours of operation under the permit.
(Added by Ord. 94-86)

2077438031

Sec. 29-12.9 Manner of display.

Each permittee shall neatly display all items of merchandise on the table. Merchandise may be stacked on the tables, provided that each stack of merchandise shall not exceed the height of 12 inches. No items of merchandise shall be displayed in any other area, including but not limited to any vehicle parked on the roadway. Any boxes and accessory items at the location shall be stored wholly underneath the table. (Added by Ord. 94-86)

Sec. 29-12.10 Fact sheet.

(a) A laminated fact sheet, at least 8 1/2 x 11 inches in size, shall be displayed at the table stating at a minimum:

- (1) The name, address and purpose of the organization;
- (2) That the organization is not in any way associated with the City and County of Honolulu; and
- (3) That merchandise is being sold as part of the permittee's activities.

(b) Each permittee shall provide a receipt with each sales transaction. The receipt shall contain:

- (1) The name and address of the organization conducting the sales activity; and
 - (2) The date of sale, the number and types of items sold under the receipt and the dollar amount received for the transaction.
- (Added by Ord. 94-86)

Sec. 29-12.11 Permit on site.

(a) The original of the permit issued by the city must be displayed at the permit area at all times.

(b) Each member of a permittee's organization engaged in sales activity shall at all times wear and keep visible a legible identification badge with the name of the individual and the name and address of the organization while conducting such activity at the site.
(Added by Ord. 94-86)

Sec. 29-12.12 Conformity to permit conditions.

Permittees shall agree that they shall meet the following conditions:

- (a) Retain one individual listed pursuant to Section 29-12.6(a)(3) at the permit site at all times when sales activities are conducted;
 - (b) Remove all tables and accessories from the permit areas at the end of each day's sales activities; and
 - (c) Remove all litter generated in or around the permit area as a result of the sales activities daily.
- (Added by Ord. 94-86)

Sec. 29-12.13 Authority of the director.

The director shall have the authority and responsibility to regulate sales activity at the locations designated in Section 29-12.3, provided that such regulation shall not be inconsistent with the provisions of this article and any other provisions in the Revised Ordinances of Honolulu 1990.
(Added by Ord. 94-86)

Sec. 29-12.14 Violation--Penalty.

Any person violating any provision of this article shall, upon conviction, be guilty of a petty misdemeanor and subject to punishment in accordance with HRS Sections 706-640 and 706-663.
(Added by Ord. 94-86)

Sec. 29-12.15 Severability.

If any provision of this article, or application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable. (Added by Ord. 94-86)

2077438032

Sec. 29-12.16 Contingent effectiveness.

No provision of the city peddling ordinance, Sections 29-6.1 through 29-6.4, shall be deemed repealed by implication or otherwise superseded as a result of this article, and the provisions of this article shall cease to be effective if the peddling ordinance is held by a judgment of a court of competent jurisdiction to be constitutional and enforceable with regard to expressive sales activities on public places in Waikiki; provided, however, that this article shall once again become effective if any appellate or reviewing court subsequently shall determine that the peddling ordinance is unconstitutional or unenforceable, but in such event this article shall be subject to further cessation of effectiveness as provided aforesaid unless no further appeal is possible. (Added by Ord. 94-86)

>>>>"EXHIBIT A," MAP OF VENDOR STALLS FOR CHARITABLE SALES<<<<<

Article 13. Use of Animals in Solicitations in the Waikiki

Special District

Sections:

- 29-13.1 Definitions.**
- 29-13.2 Prohibition.**
- 29-13.3 Violation.Penalty.**

29-13.4 Other laws not affected.

Sec. 29-13.1 Definitions.

For the purposes of this article:

"Public place" means the same as is defined in Section 29-1.1.

"Solicitation" means to request or demand money or gifts.

"Waikiki special district" means the Waikiki special district as defined in Section 21-7.80-1.

(Added by Ord. 97-66)

Sec. 29-13.2 Prohibition.

In the Waikiki special district, no person shall use any live animal in furtherance of any solicitation on any public place, except in compliance with all of the following conditions:

- (a) The animal must be held or carried by the person conducting the solicitation at all times. No animal too large to be held or carried shall be used in any solicitation. This subsection shall not apply to a service animal as defined in 49 CFR Section 37.3 when such service animal is being used by an individual with a disability requiring such service animal.
- (b) The person conducting the solicitation shall not place the animal on or otherwise transfer the animal to any other person.
- (c) No cage, table, stand, or other object shall be placed on a public place.
- (d) No person shall use any city-owned or maintained street furniture or structure, including any bench, planter, utility cabinet, or other street furniture or structure permanently installed on public property, for the display of anything whatsoever in connection with the solicitation, nor otherwise put such bench, planter, utility cabinet, street furniture or structure to use in furtherance of such solicitation.
- (e) The person conducting the solicitation shall wear at all times on that person's chest so that it is clearly visible to persons being solicited a sign of at least 8 1/2 x 11 inches in size, upon which the following words are legibly printed in letters or characters at least 1/2 inch in height in both English and Japanese:
 - (1) Solicitor: (Name and address of the person or organization conducting the solicitation).
 - (2) Purpose: (The reason the solicitation is being made).
 - (3) YOU NEED NOT PAY OR CONTRIBUTE ANY MONEY TO THIS PERSON, ANY PAYMENT OR CONTRIBUTION IS COMPLETELY VOLUNTARY.
 - (4) The Japanese translation for the disclaimer set forth in (3).

2077438033

The statements required in (3) and (4) shall be in capital letters and bold type. (Added by Ord. 97-66)

Section 29-13.3 Violation.Penalty.

Any person violating any provision of Section 29-13.2 shall, upon conviction, be guilty of a petty misdemeanor and subject to punishment in accordance with HRS Sections 706-640 and 706-663. (Added by Ord. 97-66)

Section 29-13.4 Other laws not affected.

Nothing in this article shall be deemed to limit or affect the application of any other law, including but not limited to any animal cruelty law or Article 6 of this chapter, regulating peddling in public places. (Added by Ord. 97-66)

New Search

City and County of Honolulu, Hawaii

This web site is maintained by the Department of Data Systems (webmaster@co.honolulu.hi.us),
© March 13, 1998.

2077438034



Revised Ordinances of the City and County of Honolulu 1990

Chapter 13

PUBLIC TRANSIT

Articles:

1. Definitions
2. Island-Wide Fare Structure
3. Activities Prohibited on Public Conveyances
4. Special Transit Service
- (5. Public Transit Authority. Repealed by Ord. 97-02)
5. Reserved
6. City Bus System
7. Transit Voucher Program
8. Transit Management Services Contractor

Article 1. Definitions

Sections:

13-1.1 Definitions.

Sec. 13-1.1 Definitions.

For the purposes of this chapter:

"Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons. The term shall not include a vehicle designed for operation on a fixed rail guideway.

"Bus management services contractor" means the private, nonprofit corporation which, on March 31, 1997, held the contract to manage the city bus system. Pursuant to Article 8, the "bus management services contractor" shall become the "transit management services contractor" on April 1, 1997.

"Bus personnel" means personnel employed by the transit management services contractor exclusively or predominantly for the operation and maintenance of the city bus system.

"City bus system" means the public mass transit service provided by the city through the use of buses. The term includes:

- (1) Regularly scheduled public mass transit service provided through the use of buses operating over fixed routes; or
- (2) Periodic or specially scheduled public mass transit service provided through the use of buses for special events.

"City transit bus" means a bus used in the city bus system and owned by:

- (1) The city; or
- (2) A contractor with the city.

"Special transit service" means the public transit service which supplements the city bus system to serve persons who are paratransit eligible according to the Americans with Disabilities Act of 1990 (ADA); CFR 49, Part 37, Subpart F, Section 37.123 or persons certified as eligible by the department of transportation services.

"Special transit service personnel" means personnel employed by the transit management services contractor exclusively or predominantly for the operation and maintenance of the special transit service.

"Special transit service vehicle" means a vehicle owned by the city and used in the special transit

service.

"Transit management services contractor" means the private, nonprofit corporation contracted in accordance with this chapter to manage, operate, and maintain the city bus system and special transit service.

(Added by Ord. 91-27; Am. Ord. 93-90, 96-30, 97-02)

Article 2. Island-Wide Fare Structure

Sections:

- 13-2.1 Fare structure.
- 13-2.2 Person with a disability.
- 13-2.3 Senior citizens.
- 13-2.4 Baggage.
- 13-2.5 Special instructions.
- 13-2.6 Suspension of fares for promotional and demonstration purposes.
- 13-2.7 Nontransference of bus pass and identification card.Penalty.
- 13-2.8 Penalty for counterfeiting or using counterfeit tokens.
- 13-2.9 Police officers.

Sec. 13-2.1 Fare structure.

(a) Except as otherwise provided in this article, the following fares shall apply to every person using the city bus system, and every person riding the city bus system shall pay the applicable fare.

	Single Cash Fare - Standard	Monthly Bus Pass Fare	Senior Citizen/Person with a Disability Bus Pass Fares	Single Cash Fare - Stadium Limited
Adult (Without senior citizen or person with a disability pass)	\$1.00 or 1 token	\$25.00 per mo.	Not applicable	\$2.00
Student (Age 6 through high school, however not to exceed age 19) College and university students are not entitled to use the student pass.	\$.50	\$12.50 per mo.	Not applicable	\$2.00
Child (Infant through age 5; provided that no fare shall be charged a child when accompanied by a passenger other than another child) However, a child riding free shall not occupy a seat at the exclusion of another passenger.	\$.50	\$12.50 per mo.	Not applicable	\$ 2.00
Person with a Disability (With pass issued under Section 13-2.2(b))	Not applicable	Not applicable	\$20.00 per two-year period	\$2.00
Person with a Disability (With identification card issued under Section 13-2.2(a))	\$.50	Not applicable	Not applicable	\$2.00
Person with a Disability (With pass issued under Section 13-4.3)	Not applicable	Not applicable	Not applicable	\$2.00
Senior Citizen	Not	Not	\$20.00 per two-	\$2.00

2077438036

(With pass issued under Section 13-2.3(c))	applicable	applicable	year period	\$2.00
Senior Citizen (With identification card issued under Section 13-2.3.(a))	\$.50	Not applicable	Not applicable	\$2.00

(b) The monthly bus pass fare plan shall be based upon individual issuance of different colored bus passes upon payment of the designated monthly bus fare at various locations to be selected and advertised by the department of transportation services. The department of transportation services, through the department of finance, may enter into contractual arrangements with any parties, private or public, when it is deemed to be in the best

public interest for the sale and issuance of bus passes. The city council shall be informed within 30 days of the city's entering into any such arrangement. The monthly bus pass shall entitle the person to whom the bus pass is issued to an unlimited number of rides for the month.

(c) The department of transportation services may establish a program for the use of bus tokens which shall be based upon the issuance of bus tokens at the rate of 10 tokens for \$9.00. The bus tokens may be sold at various locations to be selected and advertised by the department of transportation services. The department of transportation services, through the department of finance, may enter into contractual arrangements with any parties, private or public, when it is deemed to be in the best public interest, for the sale and issuance of bus tokens. The city council shall be informed within 30 days of the city's entering into any such arrangement.

The bus tokens may be of a different design each year.

(d) Transfers between city transit buses shall be permitted pursuant to rules adopted by the department of transportation services.

(e) The stadium limited fare shall be charged on city transit buses operating to and from the Aloha Stadium on routes activated solely to serve events at that facility. It will not apply to city transit buses operating on normally established routes which incidentally serve Aloha Stadium.

Notwithstanding the provisions of Sections 13-2.2, 13-2.3, and 13-4.3, any individual with a person with a disability pass, a senior citizen pass, or a special transit service pass shall pay the regular fare of \$2.00 when using the stadium limited service.

(f) The department of transportation services may establish a program for the use of a four-day bus pass at a rate of \$10.00 per pass.

(g) The department of transportation services may allow a person to board a city transit bus without being charged a cash fare as part of a promotional offer or package made available by the city.

(h) The department of transportation services may adopt rules in accordance with HRS Chapter 91 which shall have the force and effect of law in the implementation of this section.

(i) In the event of a strike or work stoppage which shuts down the city bus system, the department of transportation services may make such bus pass fare adjustments as in the judgment of the department are warranted by the particular circumstances.

(Sec. 28-2.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 89-56, 91-27, 91-70, 93-56, 93-89, 95-22, 96-55, 97-02)

Sec. 13-2.2 Person with a disability.

(a) Single Fare. A person with a disability with a valid identification card issued by the department of transportation services shall pay a single cash fare in accordance with Section 13-2.1(a) to ride a city transit bus upon display to the bus operator of the card; except when a fare for special services is charged under Section 13-2.1. Any person with a disability who applies for an identification card from the department and is certified to have a permanent disability shall be issued the same upon payment of a \$6.00 processing fee to be valid for four years, commencing from the date of issuance and expiring at the end of the month that such identification card was issued four years ago. It may be renewed thereafter upon the expiration of the prior term; provided the person requesting the renewal demonstrates at each renewal date that the person's mental or physical condition warrants continued status as a person with a disability as defined in this section and upon payment of the \$6.00 as provided above. In the event of theft, loss, or destruction of such identification card, a person with a disability may obtain a replacement identification card for \$6.00.

2077438037

(b) **Bus Pass.** There is established a bus pass fare plan for persons with disabilities. Under the plan, a person with a disability, as defined in subsection (c), with a valid bus pass issued pursuant to this section:

(1) Shall not be required to pay the single cash fare at any time when using the regular city bus service, except where a fare for a special service is charged under Section 13-2.1. To be entitled to ride a city transit bus without payment of the single cash fare, the person with a disability shall display the valid pass to the bus operator; and

(2) Shall be entitled to an unlimited number of rides on the regular city bus service.

(c) **Definition.** For the purpose of this section, a person with a disability who qualifies for the bus pass fare plan shall include any individual

under the age of 65 who presents a Medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act, 42 U.S.C. 401, et seq. and 42 U.S.C. 1395, et seq., and any individual who, by reason of illness, injury, advanced age, congenital malfunction or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize the city bus system as effectively as a person who is not so affected. The term includes physical or mental disability which clearly demonstrates that the person experiencing such disability is unable, without difficulty or assistance, to utilize the city bus system.

A person with a disability shall also be deemed to include a person with any incapacity or disability which results in the inability of a person to perform one or more of the following functions necessary for the effective use of the city bus system's facilities without significant difficulty:

- (1) Negotiating a flight of stairs, escalator or ramp;
- (2) Boarding or alighting from a city transit bus;
- (3) Using the city transit bus due to confusion or disorientation;
- (4) Reading informational signs; or
- (5) Walking more than 200 feet.

(d) **Supporting Evidence of Disability.** In the event the physical or mental disability of a person is not readily observable or discernable and cannot be adequately ascertained without supporting evidence for purposes of this section, the applicant for a person with a disability identification card or a person with a disability bus pass shall be required to submit proof of such disability by a licensed medical physician or any governmental agency involved in a physical or mental disability program and recognized by the department of transportation services.

(e) **Issuance of Bus Passes.** Any person who falls within the definition of a person with a disability as that term is defined in subsection (c) and who applies for a bus pass from the department of transportation services shall be issued the pass upon payment of \$20.00. The bus pass shall be valid for two years as provided in subsection (f).

In the event of theft, loss, or destruction of a bus pass, a person with a disability may obtain a replacement pass for \$6.00 or may obtain a new two-year bus pass for \$20.00. The replacement pass shall be valid only for the time period remaining on the originally issued bus pass.

(f) **Effective Date.** The bus pass shall be effective for two years, commencing from the date of issuance and expiring at the end of the month that such pass was issued two years ago. It may be renewed thereafter upon the expiration of the prior term; provided, the person requesting such renewal demonstrates at each renewal date that the person's mental or physical condition warrants continued status as a person with a disability as defined in this section and upon payment of the \$20.00 as provided in subsection (e).

(g) **Temporary Disability.** A person with a disability bus pass may be issued for less than two years to a person whose disabling condition is expected to be temporary. Such person with a disability bus pass shall be issued for the expected duration of a person's disabling condition for a fare which shall be calculated on a monthly pro rata basis. Such bus pass may be renewed, if warranted, for any additional period equal to the expected duration of a person's disabling condition and the fare calculated on a monthly pro rata basis.

(h) **Bus Pass Renewal.** An application for a renewal of a bus pass may be made up to 60 days prior to the date of expiration.

(i) **Bus Pass Recall.** Bus passes may be recalled from time to time at the discretion of the department of transportation services for recertification or statistical purpose. The department may extend the effective date of the bus pass when the bus pass is recalled for recertification or statistical

purpose to reduce large fluctuations in bus pass renewals in future years.

Bus passes issued after a recall may have physical characteristics different from those issued before the recall.

(j) **Bus Pass Forfeiture.** Any person holding a bus pass issued under Section 13-2.2 shall relinquish such bus pass if such person is issued a special transit service pass under Section 13-4.3.

(k) **Attendant of a Person with a Disability.** A person with a disability unable to board, ride, and alight from city transit buses independently must be accompanied and assisted by an attendant to board, ride and alight from these buses to prevent injury and harm to the person's self and other passengers. An attendant who accompanies and physically assists the

person with a disability to board, ride and alight from the city transit bus shall pay no fare when performing the service.

(l) **Appeal.** A person denied a bus pass shall receive a notice in writing from the department of transportation services stating the reasons for denial. Within 30 days of receipt of such notice or such additional time as may be permitted by the director of transportation services, such person may appeal the decision to the director or a hearings officer appointed by the director. The appeal shall be effected by filling out the notice of appeal in a form prescribed by the department of transportation services and filing the same with the department.

(m) **Hearing.** Within 20 working days from the filing of such notice of appeal, the director of transportation services or the appointed hearings officer shall conduct a hearing at which the appellant shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present any fact showing the reason why the denial was in error.

The director or the appointed hearings officer shall have the power to affirm, reverse or modify the decision of the department of transportation services' staff based upon findings of facts which justify the decision. The decision shall be the final decision of the city.

The notice and hearing requirements shall conform to the applicable provisions of HRS Chapter 91.

All findings of fact, conclusions of law and decisions and orders of the director or the appointed hearings officer shall be in written form, kept on file and open to public inspection.

(Sec. 28-2.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 91-27, 91-70, 93-56, 93-89, 95-22, 97-02)

Sec. 13-2.3 Senior citizens.

(a) **Single Fare.** A person 65 years of age or older shall pay a single cash fare in accordance with Section 13-2.1(a) to ride a city transit bus upon display to the bus operator of a valid identification card issued to that person by the department of transportation services, except when a fare for a special service is charged under Section 13-2.1. Any senior citizen who applies for an identification card with the department shall be issued the same upon payment of a \$6.00 processing fee. The card shall be valid for four years, commencing from the date of issuance and expiring at the end of the month that such identification card was issued four years ago. It may be renewed thereafter upon payment of the \$6.00 processing fee. In the event of theft, loss, or destruction of such identification card, a senior citizen may obtain a replacement identification card for \$6.00.

For the purpose of this section, "senior citizen" means a person of age 65 years or older.

(b) **Bus Pass.** There is established a senior citizens bus pass fare plan. Under the plan, a senior citizen with a valid bus pass issued pursuant to this section:

(1) Shall not be required to pay the single cash fare at any time when using the regular city transit bus service, except when a fare for a special service is charged under Section 13-2.1. To be entitled to ride a city transit bus without payment of the single cash fare, the senior citizen shall display the valid bus pass to the bus operator; and

(2) Shall be entitled to an unlimited number of rides on the regular city transit bus service.

(c) **Issuance and Effective Date.** Upon application, showing of satisfactory proof of age, and payment of \$20.00 by a senior citizen, the department of transportation services shall issue a bus pass to the senior citizen. The bus pass shall be valid for a term of two years, commencing from the date of issuance and expiring at the end of the month that such pass was issued two years ago; except that the bus pass shall not be valid for any period of suspension pursuant to Section 13-2.7.

If, not more than 60 days prior to the expiration of the validity of a senior citizen bus pass, the

2077438039

senior citizen applies for and is issued a new bus pass, the date of issuance shall be deemed to be the first day following the expiration of the prior bus pass. The term of validity of the new bus pass shall commence from that date.

(d) **Replacement Bus Pass.** If a bus pass of a senior citizen is lost, destroyed, or damaged, the senior citizen may apply to the department of transportation services for a replacement bus pass or a new two-year bus pass. Upon receipt of an application and satisfactory proof that the senior citizen has been previously issued a bus pass, the department shall

issue to the senior citizen a replacement bus pass for \$6.00 or a new two-year bus pass for \$20.00. The replacement bus pass shall be valid only for the time period remaining on the originally issued bus pass.

(e) **Expired Bus Pass.** The department of transportation services may:

(1) Require a senior citizen with an expired senior citizen bus pass to return the bus pass to the department; and

(2) Authorize any officer or employee of the city or transit management services contractor to confiscate a senior citizen bus pass, the validity of which has expired, when the bus pass is displayed by the holder to the officer or employee.

(f) **Bus Pass Forfeiture.** A senior citizen shall relinquish the senior citizen's bus pass to the department of transportation services upon receiving a special transit service pass under Section 13-4.3.

(g) **Bus Pass Recall.** Bus passes may be recalled from time to time at the discretion of the department of transportation services for recertification or statistical purpose. The department may extend the effective date of the bus pass when the bus pass is recalled for recertification or statistical purpose to reduce large fluctuations in bus pass renewals in future years.

Bus passes issued after a recall may have physical characteristics different from those issued before the recall.

(h) **Rules.** The department of transportation services may adopt rules in accordance with HRS Chapter 91 to implement this section.

(Sec. 28-2.3, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 91-70, 93-56, 95-22, 96-30, 96-58, 97-02)

Sec. 13-2.4 Baggage.

Baggage that can be stored under a passenger's seat or on a passenger's lap, that will not protrude to another seat or otherwise interfere with other passengers, will be admitted at no charge. Baggage that will not be admitted on board shall include any large, bulky, dangerous or offensive article that may cause harm or discomfort to any passenger. No baggage may be stored in the aisle or on the seats. (Sec. 28-2.4, R.O. 1978 (1983 Ed.))

Sec. 13-2.5 Special instructions.

Passengers shall deposit the exact fare or bus tokens in fare boxes of city transit buses. (Sec. 28-2.5, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 91-70, 93-56, 95-22, 97-02)

Sec. 13-2.6 Suspension of fares for promotional and demonstration purposes.

(a) The council shall have the authority to suspend, by resolution passed on one reading, the fare structure or any part thereof in Section 13-2.1 for:

(1) Promotional purposes for a period not exceeding one week; provided, that any such suspension of the fare structure shall not decrease the total average monthly fare collection, when full fares are collected, by more than five percent; and provided further, that such suspension shall be for the purpose of promoting the public ridership of the city bus system.

If a private organization requests, pursuant to this subdivision, that the department of transportation services suspend bus fares to promote the city's transit bus service as part of that organization's function or event, the organization shall submit a request in writing to the department of transportation services for the suspension of the fares. In its written request, the organization shall:

(A) Provide proof that it is a nonprofit organization exempt or qualified for an exemption from federal income tax under Section 501(c)(3) of the United States Internal Revenue Code;

(B) Submit a current audited financial statement of its organization and, if the organization

was required to file a federal income tax return for that year, to submit its federal income tax return for the year prior to the submittal of the request;

(C) Submit a statement describing the scope of its events and activities, and copies of all of the required approvals and permits which the organization must obtain in order to hold the function or event;

(D) Demonstrate the community benefits the city will gain from the promotion; and

(E) Demonstrate that a minimum of 30,000 persons will participate over a 24-hour period in the events and activities related to the organization's function or event; and

(2) Demonstration projects for a period not exceeding 180 days; provided, that such suspension of the fare structure shall be for the purpose of demonstrating the need for bus services, the economic viability of the demonstration projects, and operational efficiencies of the city's bus system; and provided further, that a minimum of 50 percent of the promotional, marketing and operating cost of such demonstration project shall be funded from private sector sources other than the city. The private sector sources shall make a commitment to the city prior to the approval of the demonstration project that they will fund their share of the costs of the demonstration project.

Organizations that are eligible to request a demonstration project involving the suspension of fares include the department of transportation services, other government agencies, private firms, business organizations, community groups, or any combination of the foregoing organizations. Organizations shall submit in writing a request to the department of transportation services that a demonstration project be conducted. In its request, the organization shall demonstrate the community benefits, such as increased mobility, stimulation of the economy, and improved convenience to bus riders, that will be gained as a result of the demonstration project.

(b) The department of transportation services shall transmit to the council in writing its recommendation to approve or disapprove any proposal submitted to the department of transportation services to conduct a promotional or demonstration project pursuant to this section. With its written recommendation, the department of transportation services shall submit the reason or reasons for the department's recommendation.

If the department of transportation services recommends approval of the promotional or demonstration project, the department shall also submit a draft council resolution providing for the suspension of the fares together with a map of the bus route or routes that city buses will follow during the demonstration project. Included in the draft resolution shall be the specific criteria that the department of transportation services will use to evaluate the success or failure of the promotional or demonstration project. If the bus route or routes to be followed during the demonstration project is or are proposed to be changed, the department of transportation services shall submit to the council, at least seven days prior to the implementation of the new route or routes, a revised map of the new route or routes to be followed.

(c) Within 60 days of the completion of the promotional or demonstration project, the department of transportation services shall submit a report in writing to the council. In the report, the department of transportation services shall at a minimum:

(1) Discuss the community benefits, if any, gained from the project, including an estimate, where possible, of the number of new daily riders of the city bus system resulting from the project;

(2) Include data on the number of riders using city transit buses during and as part of the promotional or demonstration project and the cost to the city of the project;

(3) Evaluate the overall success or failure of the project based on whether the project met the specific criteria as set forth in the council resolution approving the project, which may include criteria specified by the council; and

(4) Make recommendations on any future actions on similar requests to conduct promotional or demonstration projects.

The private contractor providing city transit bus services shall provide ridership data to assist the department of transportation services in evaluating the success or failure of the promotional and demonstration projects approved in accordance with this section.

(Sec. 28-2.6, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 96-11, 97-02)

Sec. 13-2.7 Nontransference of bus pass and identification card--Penalty.

(a) Any pass or identification card issued under Section 13-2.2, Section 13-2.3, or Section 13-4.3 is

2077438041

nontransferable and shall not be used by any person other than by the person to whom it was issued. No person shall obtain or attempt to obtain a pass or identification card issuable under Section 13-2.2, Section 13-2.3, or Section 13-4.3 based on false

application or certification. No person shall alter a pass or identification card issued under Section 13-2.2, Section 13-2.3, or Section 13-4.3, unless authorized by the department of transportation services. In addition to the penalty under subsection (c), any person who is issued such pass or identification card based upon false application/certification, who knowingly permits another to use the pass or identification card, or who alters, without authorization from the department, the person's pass or identification card shall be penalized by:

- (1) Suspending the person's pass or identification card for a period of one year from the date of conviction; or
 - (2) If the remaining term of the pass or identification card is less than one year from the date of conviction:
 - (A) Suspending the pass or card for the remainder of the term; and
 - (B) Prohibiting until one year from the date of conviction the:
 - (i) Renewal or replacement of the pass or card; and
 - (ii) Issuance of a new pass or card.
 - (b) Any bus pass issued under Section 13-2.1, Section 13-2.2, Section 13-2.3 or Section 13-4.3, or identification card issued under Section 13-2.2 or Section 13-2.3 is nontransferable and shall not be used by any person other than the person to whom it was issued.
 - (c) The following persons shall be guilty of a misdemeanor:
 - (1) Any person who uses a pass or identification card issued to another under Section 13-2.2, Section 13-2.3, or Section 13-4.3;
 - (2) Any person, to whom a pass or identification card has been issued under Section 13-2.2, Section 13-2.3, or Section 13-4.3, who knowingly permits another to use that pass or identification card;
 - (3) Any person who obtains or attempts to obtain a pass or identification card issuable under Section 13-2.2, Section 13-2.3, or Section 13-4.3 based upon false application or certification; or
 - (4) Any person who alters a pass or identification card issued under Section 13-2.2, Section 13-2.3, or Section 13-4.3 without authorization from the department of transportation services.
- (Sec. 28-2.7, R.O. 1978 (1983 Ed.); Am. Ord. 91-70, 97-02)

Sec. 13-2.8 Penalty for counterfeiting or using counterfeit tokens.

Any person who makes, issues, or knowingly uses any imitation or counterfeit of a bus token for bus fare shall be fined not more than \$2,000.00 or imprisoned for not more than one year or, both. (Added by Ord. 93-56)

Sec. 13-2.9 Police officers.

Notwithstanding anything to the contrary in this article, uniformed and nonuniformed police officers of the Honolulu police department carrying proper identification, whether on duty or not, shall be allowed to use the city bus system without paying any fare. (Added by Ord. 96-55)

Article 3. Activities Prohibited on Public Conveyances

Sections:

- 13-3.1 Activities prohibited on transit buses and special transit service vehicles--Authority of drivers--Violations.**
- 13-3.2 Signs required.**
- 13-3.3 Removal or defacing of signs.**
- 13-3.4 Placing lighted objects close to combustible matter.**
- 13-3.5 Penalty.**

Sec. 13-3.1 Activities prohibited on transit buses and special transit service vehicles--Authority of drivers--Violations.

2077438042

(a) For purposes of this section:

"Disability" shall have the same meaning ascribed to that term in 49 CFR Section 37.3, as the same may from time to time be amended.

"Individual with a disability" shall have the same meaning ascribed to that term in 49 CFR Section 37.3, as the same may from time to time be amended.

"Service animal" shall have the same meaning as ascribed to that term in 49 CFR Section 37.3, as the same may from time to time be amended.

"Transit system" includes the department of transportation services and the entity or entities who operate the city bus system and special transit service.

(b) It shall be a violation of this section for a person, who is doing or has done any of the following activities on a city transit bus or special transit vehicle, to either refuse or fail to immediately cease and desist from doing any of the following activities after being requested to do so by the driver, another agent of the transit system, or any police officer, or to fail or refuse to immediately exit a city transit bus or special transit vehicle if requested to do so by the driver of the bus or vehicle, another agent of the transit system, or a police officer:

(1) Consuming any form of food or beverage or carrying or possessing any food or beverage in a container other than a container that is tightly closed, covered or packaged so as to minimize the possibility of accidental spillage when the container is shaken or dropped; provided that nothing contained in this subdivision shall be construed as prohibiting the carrying or possession of groceries in a suitable bag or other container;

(2) Using or playing any television, radio, recording playback device, musical instrument, or other sound-producing device, unless the device is connected to a headphone or earphone which limits the sound to the individual user; provided that nothing contained in this subdivision shall be construed as prohibiting the driver of the bus or vehicle from using or playing such devices for official business, or as prohibiting the use of telephones and pagers;

(3) Carrying or possessing any live animals, except a service animal properly harnessed and accompanied by the individual with a disability owning the service animal or to whom the service animal has been furnished, and except for small animals properly kept in enclosed containers; provided that nothing contained in this subdivision shall be construed as prohibiting a police officer from carrying or possessing an animal used for law enforcement purposes;

(4) Discarding, disposing of, placing, throwing, or dropping any litter, as defined in HRS Section 339-1, in or from the bus or vehicle, except into receptacles designated for that purpose;

(5) Failing or refusing to vacate seats designated as priority seating for elderly or disabled passengers or the fold-down or other movable seat area designated for wheelchair securement, when requested to do so by the driver, any other agent of the transit system, or a police officer; provided that nothing contained in this subdivision shall be construed as requiring other elderly or disabled passengers to vacate seats designated as priority seating for elderly or disabled passengers; and provided further that nothing contained in this subdivision shall be construed as requiring the driver or other agent of the transit system to enforce a request that other passengers move from the priority seating area or wheelchair securement area;

(6) Carrying or possessing any flammable, combustible, explosive, corrosive, or highly toxic liquid or other substance, article or material which is likely to cause harm to others or to emit any foul or noxious dust, mist, fume, gas, vapor, or odor; provided that nothing contained in this subdivision shall be construed as prohibiting a person from carrying or possessing any match or any cigar, cigarette, or pipe lighter, which is not lighted or smoldering;

(7) Spitting, expectorating, urinating or defecating in, on or from the bus or vehicle; provided that nothing contained in this subdivision shall be construed as applying to any person who cannot comply with this subdivision as a result of a disability, age, or a medical condition;

(8) Obstructing, impeding, hindering, interfering with or otherwise disrupting the safe and efficient operation of the bus or vehicle or any driver or other agent of the transit system in the performance of that individual's official duties;

(9) Boarding the bus through the rear exit door, unless directed to do so by the driver, any other agent of the transit system, or a police officer; or

(10) When boarding a bus or special transit vehicle:

(A) Knowingly failing or refusing to pay the applicable fare for transportation on the bus or

2077438043

vehicle in cash or tokens in the required manner; or

(B) Presenting a pass, transfer, badge or other fare medium for transportation on such bus or special transit vehicle, when the person presenting such fare medium knows it has not been provided, authorized, or sold by or for the transit system, or knows that the pass, transfer, badge or other fare medium is not valid for the place, time and manner in which it is presented, or knows that presentation of the pass, transfer, badge or other fare medium violates a restriction on the transfer or use of such fare medium imposed by city ordinances or rules.

(c) The driver of any city transit bus or special transit service vehicle or any other agent of the transit system or any police officer may refuse to allow any person to board the bus or vehicle:

- (1) When the person appears to be intoxicated on liquor or drugs;
- (2) When the person is engaged in activities that, if such activities occurred in the bus or vehicle, would violate the provisions of subsection (b) if conducted in violation of the request of the driver, agent, or police officer;
- (3) When the person is engaged in activities that, if such activities occurred in the bus or vehicle, would violate any other law or ordinance; or
- (4) When it appears that the person intends to engage in any of the activities referred to in subdivision (2) or (3) in the bus or vehicle.

In addition, the driver of any city transit bus or special transit service vehicle or any other agent of the transit system may refuse to transport any such person who has already boarded the bus or vehicle and the driver, agent or any police officer may cause such person to be ejected from the bus or vehicle. It shall be a violation of this section for a person to board a city transit bus or special transit service vehicle after being requested not to do so by the driver, another agent of the transit system or police officer for the reasons specified in this subsection, or for a person to refuse or fail to immediately exit a city transit bus or special transit vehicle when requested by the driver, another agent of the transit system, or police officer to do so for any of the reasons specified in this subsection.

(Sec. 28-3.1, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 96-67, 97-02)

Sec. 13-3.2 Signs required.

The department of transportation services shall require the conspicuous display within each city transit bus and special transit service vehicle of a sign clearly setting forth all of the prohibitions of Section 13-3.1. (Sec. 28-3.2, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 97-02)

Sec. 13-3.3 Removal or defacing of signs.

No person shall remove or deface signs required to be erected by or under the authority of this article. (Sec. 28-3.3, R.O. 1978 (1983 Ed.))

Sec. 13-3.4 Placing lighted objects close to combustible matter.

No person shall throw or place hot burning substances or objects such as cigars, cigarettes or the contents of a burning pipe in, upon or in close proximity to any object or structure in a city transit bus or special transit service vehicle which is combustible or liable to damage by heat, fire or explosion. (Sec. 28-3.4, R.O. 1978 (1983 Ed.); Am. Ord. 91-27)

Sec. 13-3.5 Penalty.

- (a) Any person violating Section 13-3.1(b)(1), (2), (3), (4), or (5) or aiding, abetting or assisting in any manner whatsoever another person in violating any of such provisions shall, upon conviction thereof, be fined in an amount not exceeding \$100.00 or be imprisoned for a period not exceeding 10 days or be both so fined and imprisoned.
- (b) Any person violating Section 13-3.1(b)(6), (7), (8), (9) or (10), 13-3.1(c), 13-3.3 or 13-3.4, or aiding, abetting, or assisting in any manner whatsoever another person to violate any of such provisions shall, upon conviction thereof, be fined in an amount not exceeding \$500.00 or be imprisoned for a period not exceeding six months or be both so fined and imprisoned.
- (c) Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this section.

(d) Any authorized police officer, upon arresting a person for a violation of this article, shall take the name and address of the alleged violator and shall issue thereto in writing a summons or citation hereinafter described, notifying such person to answer to the complaint to be entered against such person at a place and at a time provided in the summons or citation, except that the officer may make a physical arrest in instances when:

(1) The alleged violator refuses to provide the officer with such person's name and address or any proof thereof as may be reasonably available to the alleged violator;

(2) The alleged violator fails or refuses to immediately cease and desist from such person's prohibited activity or to immediately exit the city transit bus or special transit service vehicle, as determined by the driver of the bus or vehicle, other agent of the transit system, or a police officer if the officer is on the vehicle, after the alleged violator is issued a summons or citation; or

(3) The alleged violator has previously been issued a summons or citation for a substantially similar offense within a one-year period.

(e) There shall be provided for use by police officers a form of summons or citation for use in citing violators of this article where the circumstances do not mandate the physical arrest of such violators.

The form of the summons or citation shall be commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and rules of the State of Hawaii and the city. The form and content of such summons or citation shall be adopted or prescribed by the administrative judge of the district court; provided that the administrative judge may approve the use of a form of summons or citation previously adopted or prescribed for other offenses and such approval shall be deemed to meet the requirements of this subsection. In every case where a citation is issued, the original of the same shall be given to the alleged violator; provided that the administrative judge of the district court may prescribe that the alleged violator be given a carbon copy of the citation and provide for the disposition of the original and any other copies. Every citation shall be consecutively numbered, and each carbon copy shall bear the same number as its original.

(f) The provisions of this article are in addition to and shall in no way limit the provisions of any other federal, state or city law, ordinance, or rule.

(Sec. 28-3.5, R.O. 1978 (1983 Ed.); Am. Ord. 96-67)

Article 4. Special Transit Service

Sections:

13-4.1 Authorization.

13-4.2 Eligibility.

13-4.3 Access.

13-4.4 Appeal.

13-4.5 Fare.

13-4.6 Service.

13-4.7 Evaluation board.

Sec. 13-4.1 Authorization.

The department of transportation services shall provide a special transit service and establish policies and guidelines for its operation. The policies and guidelines shall conform to the short-range transit plan and any update. The department shall contract the private, nonprofit corporation established under Article 8 to manage, operate, and maintain the special transit service on behalf of the city. The department shall submit to the council the policies and guidelines for the special transit service, together with revenues anticipated and costs estimated to be incurred, with all annual budget and supplementary appropriation requests. (Sec. 28-4.1, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 96-30, 97-02)

Sec. 13-4.2 Eligibility.

(a) Any person desiring a certification to use the special transit service shall first file an application on forms furnished by the department of transportation services.

2077438045

(b) An applicant must be certified to be paratransit eligible according to the Americans with Disabilities Act of 1990 (ADA); CFR 49, Part 37, Subpart F, Section 37.123 to use the special transit service. Such certification shall be made by either the department of transportation services or by any person it so authorizes.

(c) The following persons are ADA paratransit eligible:

(1) Any person with a disability who is unable, as a result of a physical or mental impairment and without the assistance of another person, to board or disembark from any city transit bus which is readily accessible to persons with disabilities.

(2) Any person with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able to board and disembark from any city transit bus which is readily accessible to persons with disabilities if the person wants to travel on a route of the city bus system at a time when a city transit bus does not provide designated bus service on the route.

(A) A person is eligible under this subdivision with respect to travel on an otherwise accessible route if:

(i) The city transit bus is precluded from operation because the lift cannot be deployed or the lift will be damaged if it is deployed; or

(ii) Temporary conditions, not under the control of the department of transportation services, at the bus stop preclude the safe use of the stop by all passengers.

(B) A person using a common wheelchair is eligible under this subdivision if the person's wheelchair cannot be accommodated on an existing city transit bus even if that city transit bus is accessible to other persons with disabilities and their mobility wheelchairs.

(3) Any person with a disability who has a specific impairment-related condition which prevents such person from traveling to and from official bus stops on the city bus system.

(A) Only a specific impairment-related condition which prevents the person from traveling to and from official bus stops is a basis for eligibility under this subdivision. A condition which makes traveling to and from official bus stops more difficult for a person with a specific impairment-related condition than for a person who does not have the condition, but does not prevent travel, is not a basis for eligibility under this subdivision.

(B) Architectural barriers not under the control of the department of transportation services and environmental barriers do not form a basis for eligibility under this subdivision. The interaction of such barriers with a person's specific impairment-related condition, however, may form a basis for eligibility if the effect is to prevent the person from traveling to and from official bus stops.

(d) Persons accompanying an ADA paratransit eligible individual shall be provided service as follows:

(1) One other person accompanying the ADA paratransit eligible individual shall be provided service:

(A) If the ADA paratransit eligible individual is traveling with a personal care attendant as defined in subsection (e), one other person may accompany the eligible individual in addition to the personal care attendant.

(B) A family member or friend is regarded as a person accompanying the eligible individual, unless the family member or friend registered is acting in the capacity of a personal care attendant.

(2) Additional persons accompanying the ADA paratransit eligible individual shall be provided service; provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional persons will not result in a denial of service to ADA paratransit eligible persons.

(3) In order to be considered as "accompanying" the eligible person for purposes of this subsection, the other person(s) shall have the same origin and destination as the eligible individual.

(e) A certified passenger may be accompanied by a personal care attendant. A personal care attendant is a person who is required by the ADA eligible individual for travel.

(f) The term "ADA paratransit eligible" shall include any applicant who has been certified by the applicant's medical physician on the application that the applicant has a physical or mental disability which precludes the applicant from using the city bus system.

(Sec. 28-4.2, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 93-90, 97-02)

2077438046

Sec. 13-4.3 Access.

- (a) Each certified passenger shall be issued a pass, without charge, specifically endorsed for the special transit service by the department of transportation services or its designated representative.
- (b) Such pass shall be shown to the operator when so requested and each certified passenger shall pay the fare established in Section 13-4.5 of this article.
- (c) The pass shall be effective for four years from the applicant's last birthday. It may be renewed thereafter upon the expiration of the prior term; provided the person requesting such renewal demonstrates at each renewal date that such applicant's mental or physical condition warrants continued status as ADA paratransit eligible as certified in Section 13-4.2.
- (d) A pass effective for less than four years may be issued to a person with a disability whose disabling condition is not expected to remain for four years. Such pass shall be effective for any appropriate period equal to the expected duration of the person's disabling condition, but for no longer than one year. Should a person's disability continue beyond the temporary one year duration, the person must reapply.
- (e) An application for renewal of a pass may be made up to 60 days prior to the date of expiration.
- (f) Special transit service passes may be recalled from time to time at the discretion of the department of transportation services for recertification or statistical purpose. The department may extend the effective date of the pass when the pass is recalled for recertification or statistical purpose to reduce large fluctuations in pass renewals in future years.

Passes issued after a recall may have physical characteristics different from those issued before the recall.

- (g) Any person holding a pass issued under Section 13-4.3 shall relinquish such special transit service pass if issued a pass under Sections 13-2.2 or 13-2.3.

(Sec. 28-4.3, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 91-70, 93-90, 97-02)

Sec. 13-4.4 Appeal.

Any person denied this special pass may appeal under the procedures established in Section 13-2.2

- (l) and (m). (Sec. 28-4.4, R.O. 1978 (1983 Ed.) Am. Ord. 91-70)

Sec. 13-4.5 Fare.

- (a) Any person issued a pass under Section 13-4.3 and a companion utilizing the special transit service shall pay a fare of \$1.50 per person per one-way passenger trip. Revenues from the fare shall be deposited into the general fund.
- (b) Any person issued a pass under Section 13-4.3 shall pay no fare at any time when using regular city transit bus service.
- (c) A personal care attendant registered with the department of transportation services shall pay no fare at any time when accompanying an eligible individual.

(Sec. 28-4.5, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 91-70, 93-90, 95-22, 97-02)

Sec. 13-4.6 Service.

Until such time as this special transit service is adequate to serve all eligible persons, service shall be supplied on a space available basis. The department of transportation services shall provide such service by areas either by reservation, subscription, call response, or combination thereof as will most effectively meet the needs of persons with disabilities. (Sec. 28-4.6, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 93-90, 97-02)

Sec. 13-4.7 Evaluation board.

The director of transportation services may appoint an advisory committee pursuant to Revised Charter Section 4-103 to serve as an evaluation board. The committee shall be comprised of 15 to 20 persons who are sympathetic with the concern of special transit service for persons with disabilities. Their function shall be limited to counsel and advice in the form of at least a regular

semiannual evaluation of the special transit service to determine the adequacy of service and to submit any recommendations for its improvement to the department of transportation services. (Sec.

2077438047

28-4.7, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 91-70, 93-90, 97-02)

(Article 5. Public Transit Authority. Repealed by Ord. 97-02)

Article 5. Reserved

Article 6. City Bus System

Sections:

- 13-6.1 City bus system.
- 13-6.2 Contract for management, operation and maintenance of city bus system.
- (13-6.3 Authority to create private, nonprofit corporation as bus management services contractor. Repealed by Ord. 96-30.)
- 13-6.3 Reserved.
- (13-6.4 Obligations and responsibilities of bus management services contractor. Repealed by Ord. 96-30.)
- 13-6.4 Reserved.
- (13-6.5 Obligations and responsibilities of public transit authority. Repealed by Ord. 96-30.)
- 13-6.5 Reserved.
- 13-6.6 Operating revenues.
- (13-6.7 Annual performance audit. Repealed by Ord. 96-30.)
- 13-6.7 Reserved.
- (13-6.8 Prohibition on use of bus personnel for other than city bus system duties. Repealed by Ord. 96-30.)
- 13-6.8 Reserved.
- 13-6.9 Advertising inside city transit buses.
- 13-6.10 Advertising on exterior of city transit buses.
- 13-6.11 Advertising on city bus passes.
- 13-6.12 Logo of city bus system.

Sec. 13-6.1 City bus system.

(a) The department of transportation services shall be responsible for the operation and maintenance of the city bus system:

- (1) In accordance with the charter, this chapter, and other applicable ordinances; and
- (2) Within the limits of available council appropriations and:
 - (A) In the most efficient and effective manner; and
 - (B) In accordance with sound management practices.

(b) Subject to council appropriations, the department of transportation services shall establish the routes, schedules and levels of service of the city bus system. The routes, schedules and levels of service shall be in conformance with the short-range transit plan and any update.

(c) Fares for passengers of the city bus system shall be as established under Article 2. The department of transportation services shall not:

- (1) Charge a single cash fare, monthly bus pass fare or bus token fare which differs from that established or permitted under Article 2;
- (2) Charge a fare when Article 2 exempts a passenger from payment of a fare; or
- (3) Charge a fee for the issuance of a bus pass, unless expressly authorized under Article 2.

(d) The department of transportation services shall have the power to establish or designate park-and-ride facilities to be served by the city bus system. Park-and-ride facilities established or designated by the department shall be:

- (1) In conformance with the short-range transit plan and any update; and
- (2) In compliance with development plan and zoning ordinances and maps, the building code and fire code, and other applicable laws or ordinances concerning land use, planning and building construction.

Park-and-ride facilities "established" by the department mean facilities under the management of

2077438048

the department. Park-and-ride facilities

"designated" by the department mean those which, although served by the city bus system, are not under the management of the department.

(Added by Ord. 91-27; Am. Ord. 93-56, 96-58, 97-02)

Sec. 13-6.2 Contract for management, operation and maintenance of city bus system.

The department of transportation services shall contract the private, nonprofit corporation established under Article 8 to manage, operate, and maintain the city bus system on behalf of the city. (Added by Ord. 91-27; Am. Ord. 96-30, 97-02)

(Sec. 13-6.3 Authority to create private, nonprofit corporation as bus management services contractor. Repealed by Ord. 96-30.)

Sec. 13-6.3 Reserved.

(Sec. 13-6.4 Obligations and responsibilities of bus management services contractor. Repealed by Ord. 96-30.)

Sec. 13-6.4 Reserved.

(Sec. 13-6.5 Obligations and responsibilities of public transit authority. Repealed by Ord. 96-30.)

Sec. 13-6.5 Reserved.

Sec. 13-6.6 Operating revenues.

(a) All operating revenues derived from the city bus system shall be public funds. "Operating revenues derived from the city bus system" include revenues from:

- (1) Cash fares;
- (2) Bus pass sales;
- (3) Transit voucher sales;
- (4) Bus token sales;
- (5) Contracts authorizing the use of the city bus system logo as provided in Section 13-6.12;
- (6) Advertising spaces in city transit buses or on bus passes; and
- (7) Rental or lease of or concessions on real property managed by the department of

transportation services or bus management services contractor and used for the city bus system. (b) Operating revenues derived from the city bus system shall be deposited into the bus transportation fund.

(Added by Ord. 91-27; Am. Ord. 93-22, 93-56, 93-87, 97-02)

(Sec. 13-6.7 Annual performance audit. Repealed by Ord. 96-30.)

Sec. 13-6.7 Reserved.

(Sec. 13-6.8 Prohibition on use of bus personnel for other than city bus system duties. Repealed by Ord. 96-30.)

Sec. 13-6.8 Reserved.

Sec. 13-6.9 Advertising inside city transit buses.

(a) The department of transportation services, through the department of finance, may rent or let advertising spaces inside city transit buses; provided, that the following types of advertising shall not be accepted:

2077438049

- (1) Advertising which bears the name, signature, picture or likeness of any elected federal, state or city official or of any candidate for federal, state or city elective office;
- (2) Advertising which, by reason of design, format or subject matter, promotes or appeals to racial, religious or ethnic prejudice or violence;
- (3) Advertising which contains pictures, words or symbols of an obscene, lewd, lascivious or indecent character;
- (4) Advertising which promotes any illegal, indecent or immoral purpose; and
- (5) Advertising of any product or service which is prohibited by law to be sold or offered for sale to minors or an age-based subgroup of minors.

(b) Six standard advertising spaces inside each city transit bus shall be made available for announcements of a public service, civic or charitable nature. Three of the spaces shall be made available free of charge to

organizations exempt from federal income taxation under Section 501(c)(3) of the federal Internal Revenue Code.

A tax-exempt organization shall not be denied the use of advertising space in a city transit bus solely because the announcement or advertisement refers to the location of an event sponsored by the tax-exempt organization, even if the location of the event is not owned or operated by a tax-exempt organization.

For the purpose of this subsection, "standard advertising space" means a space 11 inches wide and 28 inches long.

(c) The department of transportation services shall set the rates for the renting or letting of advertising spaces. Rates shall be set by rule adopted in accordance with HRS Chapter 91.

(Added by Ord. 91-27; Am. Ord. 97-02)

Sec. 13-6.10 Advertising on exterior of city transit buses.

(a) Except as otherwise provided under subsection (b) of this section, no advertising shall be allowed on the exterior of a city transit bus.

(b) Any word, phrase or logo identifying the city, department of transportation services, transit management services contractor, or trade name of the city bus system may be placed on the exterior of a city transit bus.

(c) Any letter, word, phrase or number on the exterior of a city transit bus which identifies the route, origin, destination or fleet inventory designation of the bus shall not be deemed advertising prohibited under this section.

(Added by Ord. 91-27; Am. Ord. 96-30, 97-02)

Sec. 13-6.11 Advertising on city bus passes.

(a) The department of transportation services, through the department of finance, may allow advertisements on bus passes issued under the city bus system fare structure.

(b) The types of advertising that are not permitted on the inside of city bus transit buses shall not be permitted on city bus passes.

(c) The department of transportation services shall adopt rules pursuant to HRS Chapter 91 for the administration and implementation of this section, including establishing the rates for the advertising space on city bus passes.

(Added by Ord. 93-69; Am. Ord. 97-02)

Sec. 13-6.12 Logo of city bus system.

(a) The department of transportation services may adopt an official logo for the city bus system. The logo may be used for official business purposes and revenue-raising activities authorized by the department. The logo may be the same as that previously adopted for the city bus system.

(b) If necessary, the department of transportation services shall copyright the adopted bus system logo under federal law and register its copyrighted ownership. The department of transportation services may request the department of finance to enter into contracts with private parties for the manufacture, reproduction, distribution, and sale of articles imprinted with the bus system logo to raise revenues for the city bus system. A copy of each contract relating to the use of the bus system logo shall be sent to the city clerk within 30 days of execution of the contract.

(c) Any person who manufactures, reproduces, distributes, or sells any article imprinted with the bus system logo without the express written approval of the department of transportation services shall be guilty of a misdemeanor.

(Added by Ord. 97-02)

Article 7. Transit Voucher Program

Sections:

13-7.1 Transit voucher program.

Sec. 13-7.1 Transit voucher program.

(a) There shall be established as part of the city bus system a transit voucher program which will provide for the sale of transit vouchers to employers in the City and County of Honolulu. The department of

transportation services may establish a price for the transit vouchers consistent with the amount employers are allowed to provide each employee as a tax-free benefit for transit commuting costs pursuant to Internal Revenue Code, 26 U.S.C. Section 132. The department may adopt rules under this article in accordance with HRS Chapter 91 to implement the program. The program shall include, but not be limited to, the following elements:

- (1) Development and dissemination of public information to inform commuters and employers in the City and County of Honolulu of the transit voucher program;
- (2) Development and sale of transit vouchers to employers in the City and County of Honolulu; and
- (3) Redemption of transit vouchers for bus passes at satellite city halls and other convenient locations in the City and County of Honolulu where bus passes are sold.

(b) The department of transportation services may extend the transit voucher program to alternate modes of commuter transit which may be operated under the authority of the department and to coordinate the transit voucher program with alternate modes of commuter transit which are operated by other companies or agencies.

(Added by Ord. 93-22; Am. Ord. 97-02)

Article 8. Transit Management Services Contractor

Sections:

13-8.1 Authority to contract with a private, nonprofit corporation to serve as transit management services contractor.

13-8.2 Retention of private, nonprofit corporation to serve as transit management services contractor.

13-8.3 Contract for management, operation, and maintenance of city bus system and special transit service.

13-8.4 Obligations and responsibilities of transit management services contractor.

13-8.5 Obligations and responsibilities of department of transportation services * [Editor's Note: In accordance with Revised Charter Section 16-113.7, "department" is substituted for "authority" and "department of transportation services" is substituted for "public transit authority."]

13-8.6 Collective bargaining agreements with bus and special transit service personnel.

13-8.7 Annual performance audit.

13-8.8 Prohibition on use of bus or special transit service personnel for other than official duties.

13-8.9 Integration of city bus system and special transit service.

Sec. 13-8.1 Authority to contract with a private, nonprofit corporation to serve as transit management services contractor.

The council makes the following findings:

- (1) The City and County of Honolulu is a body politic and corporate;

2077438051

- (2) As a body politic and corporate, the City and County of Honolulu may exercise functions expressed in or necessarily implied from authority granted by the State of Hawaii;
- (3) HRS Chapter 51 gives each county the "power to provide mass transportation service, whether directly, jointly or under contract with private parties, without the county or private parties being subject to the jurisdiction and control of the public utilities commission in any manner";
- (4) The department of transportation services is:
 - (A) An agency of the city and a body politic and corporate in itself; and
 - (B) Charged by the city with the proprietary function of providing mass transportation service for the people of the City and County of Honolulu;
- (5) The "mass transportation service" which may be provided by the department of transportation services pursuant to the charter and ordinance consists of city bus and special transit service;
- (6) The department of transportation services' procurement of services from a private, nonprofit corporation to manage the city bus and special transit service is necessary to:
 - (A) Provide the mass transportation service in the most efficient and effective manner and in accordance with sound management practices; and
 - (B) Preserve and provide continuity in the rights, interests and labor relations status of bus and special transit service personnel;
- (7) The City and County of Honolulu, through a city agency, has the power to effectuate the formation of and contract with a private, nonprofit corporation to serve as the transit management services contractor for the following reasons:
 - (A) HRS Chapter 51 confers broad authority upon the city to provide mass transportation service;
 - (B) HRS Chapter 51 authorizes the city to provide mass transportation service under contract with a private party;
 - (C) The power to effectuate the formation of and contract with a private, nonprofit corporation to provide mass transportation service, as a proprietary function, is necessarily implied under HRS Chapter 51; and
 - (D) State law does not expressly prohibit the city from effectuating the formation of and contracting with a private, nonprofit corporation; and
- (8) The public interest is further advanced by expressly conferring upon the department of transportation services the power to effectuate the formation of and contract with a private, nonprofit corporation to manage, operate, and maintain the city bus system and special transit service.
(Added by Ord. 96-30)

Sec. 13-8.2 Retention of private, nonprofit corporation to serve as transit management services contractor.

- (a) The department of transportation services shall:
 - (1) Retain the private, nonprofit corporation which was formed at the request of the department pursuant to ordinance and which served as the bus management services contractor since January 1, 1993; and
 - (2) Enter into a transit management services contract with such private, nonprofit corporation. To fulfill the city's requirements, the department of transportation services shall expand the obligations and responsibilities of the private, nonprofit corporation in accordance with this section.
 - (b) As a condition of the transit management services contract, the private, nonprofit corporation shall provide in its articles of incorporation that:
 - (1) The purpose of the corporation is to manage, operate, and maintain the city bus system, special transit service and other transit-related services on behalf of and for the city;
 - (2) The election of directors of the corporation shall be subject to the approval of the authority's board, which approval shall not be unreasonably withheld;
 - (3) The authority's board may remove any director of the corporation when the board determines that the removal is required to fulfill the best interests of the city bus system or special transit service; and
 - (4) Shall conform with applicable ordinances.
- Any necessary amendments shall be filed with the state director of commerce and consumer affairs, with an effective date of or prior to April 1, 1997.

2077438052

(c) From April 1, 1997, the private, nonprofit corporation shall be deemed the bus management services contractor, the special transit service contractor, and the transit management services contractor for the purposes of this chapter.
(Added by Ord. 96-30)

Sec. 13-8.3 Contract for management, operation, and maintenance of city bus system and special transit service.

(a) In accordance with Sections 13-8.1, 13-8.2, 13-6.2, and 13-4.1, the department of transportation services shall contract with the private, nonprofit corporation to manage, operate, and maintain the city bus system and special transit service on behalf of the city. Under the contract, the private, nonprofit corporation:

- (1) Shall be an independent contractor in relation to the city;
- (2) Shall be the employer of record of bus and special transit service personnel, who shall be deemed employees of the private, nonprofit

corporation under 29 USC Section 152(3), and who shall not be deemed public employees under HRS Chapter 89;

(3) Shall be deemed an instrumentality of the city for appropriate purposes other than for labor and employment purposes;

(4) Shall manage, operate, and maintain the city bus system and special transit service in the most efficient and effective manner and in accordance with sound management practices; and

(5) Shall have no purpose, except the management, operation, and maintenance of the city bus system and special transit service and the provision of transit-related services on behalf of and for the city.

(b) The term of the contract shall be set by the department of transportation services, provided that such term shall not be less than five years. The term may encompass a fiscal period for which council appropriations are unavailable. If so, the contract shall include conditions specifying that:

- (1) The term of the contract is subject to the availability of council appropriations;
- (2) The council is not obligated to appropriate funds for the contract; and
- (3) The failure of the council to appropriate funds for the contract shall not constitute a breach by the department or city.

(c) For the purpose of Section 9-305 of the charter, inclusion in the contract of the conditions specified under subsection (b):

- (1) Shall be sufficient for approval by the director of finance as to the availability of funds for the contract; and
- (2) Shall be deemed a prohibition on extending the contract beyond the term of an appropriation to finance an obligation of the department.

(d) Under the contract:

(1) Reimbursements to the private, nonprofit corporation for the operation and maintenance expenses of the city bus system and special transit service shall not be deemed income or profit of the corporation;

(2) Reimbursements for expenses incurred by the corporation's directors and officers in the performance of official duties:

(A) Shall be deemed operation expenses of the city bus system or special transit service, as applicable; and

(B) Shall not be deemed a distributed share of the income or profit of the corporation;

and

(3) The operating revenues derived from the city bus system and special transit service shall be income of the city, not of the corporation.

(Added by Ord. 96-30)

Sec. 13-8.4 Obligations and responsibilities of transit management services contractor.

(a) Under the transit management services contract, the transit management services contractor, at a minimum, shall have the following general obligations and responsibilities:

(1) Be directly responsible and accountable to the director of transportation services for carrying out the policies established by the department of transportation services for the management,

2077438053

operation, and maintenance of the city bus system and special transit service;

(2) Provide sufficient and qualified personnel to manage the city bus system and special transit service;

(3) Employ sufficient and qualified bus and special transit service personnel in accordance with applicable law and obligations;

(4) Manage the labor and personnel relations with all bus and special transit service personnel;

(5) Comply with all applicable labor and employment laws, including 29 USC Sections 158 and 185 and Section 13(c) of the Urban Mass Transportation Act, as amended, including, but not limited to, observing all applicable collective bargaining agreements and obligations pursuant to federal labor laws;

(6) Be responsible and accountable for all real and personal property furnished by the city to the contractor;

(7) Allow the department of transportation services, managing director, and council to conduct financial and performance audits of the city bus system and special transit service and cooperate during the conduct of the audits;

(8) Recommend to the director of transportation services annual operating and capital budgets in the format required by the department of the budget;

(9) Collect revenues derived by the city bus system and special transit service and, on behalf of the department, transmit the revenues to the director of finance for deposit into the appropriate fund;

(10) Operate the city bus system in accordance with routes, schedules, and levels of service established pursuant to Section 13-6.1;

(11) Operate the special transit service in accordance with the policies and guidelines established pursuant to Section 13-4.1; and

(12) Maintain, inspect, and repair city transit buses, special transit service vehicles, and other vehicles provided by the department.

(b) The department of transportation services may procure from the transit management services contractor, under the transit management services contract, other services, obligations, and responsibilities which are not contrary to this chapter.

(Added by Ord. 96-30)

Sec. 13-8.5 Obligations and responsibilities of department of transportation services.

(a) Under the transit management services contract, the department of transportation services shall have the following general obligations and responsibilities:

(1) Be responsible for paying the necessary and legitimate management, operation, and maintenance expenses of the city bus system and special transit service;

(2) Establish the routes, schedules, and levels of service for the city bus system as required under Section 13-6.1;

(3) Establish the policies and guidelines for the operation of the special transit service as required under Section 13-4.1;

(4) Ensure compliance with arrangements required by the federal Secretary of Labor pursuant to Section 13(c) of the Urban Mass Transportation Act, as amended, to protect the interests of bus personnel and, if applicable, special transit service personnel;

(5) Furnish to the contractor the use of the properties and facilities required to operate the city bus system and special transit service, which shall include the following:

(A) Maintenance facilities and shop equipment;

(B) City transit buses and support vehicles;

(C) Special transit service vehicles;

(D) Offices, office equipment, furniture, and fixtures; and

(E) Data processing equipment; and

(6) Have the right to perform financial and management audits of the city bus system, special transit service, and transit management services contractor.

(b) The department of transportation services may assume, under the transit management services contract, other obligations and responsibilities which are not contrary to this chapter.

Under no circumstances, however, shall the department of transportation services assume any obligation or responsibility which may jeopardize the private employment status of bus or special

2077438054

with labor organizations,

(2) The transit management services contractor shall advise the department of transportation services of significant labor relations developments, but shall not be bound by any recommendations or advice of the department;

(3) The department of transportation services shall not have the power to approve or disapprove any collective bargaining agreement negotiated by the transit management services contractor or any of the terms contained therein; and

(4) All cost items shall be negotiated or established by the transit management services contractor, subject to funding limits established by the council through the budget process.

(b) Applicable collective bargaining agreements may include provisions concerning personnel who retired from service with the bus management services contractor or any predecessor thereof, subject to funding limits established by the council through the budget process.

(c) In the event that an impasse in collective bargaining negotiations for a labor agreement covering bus or special transit service personnel exists, the transit management services contractor shall invoke the services of the Federal Mediation and Conciliation Service and engage in other good faith efforts to settle disputes with the assistance of any available governmental mediation or fact-finding resources, consistent with 29 USC Section 158(d).

(Added by Ord. 96-30)

Sec. 13-8.7 Annual performance audit.

(a) The department of transportation services shall conduct an audit of the performance of the city bus system and special transit service during each of the transit management services contractor's fiscal years. A performance audit shall:

(1) Evaluate the actual performance of the city bus system and special transit service in comparison to budgetary levels of service, effectiveness measures, and efficiency measures;

(2) Identify problems in the management, operation, and maintenance of the city bus system and special transit service; and

(3) Recommend solutions to the problems identified.

A performance audit shall be submitted to the mayor and council within 90 days from the end of the fiscal year for which conducted.

(b) This section shall not be construed as preventing the council or managing director from conducting a performance audit of the city bus system or special transit service when deemed necessary.

(Added by Ord. 96-30)

Sec. 13-8.8 Prohibition on use of bus or special transit service personnel for other than official duties.

(a) The transit management services contractor or principal of the contractor shall not direct or allow bus or special transit service personnel, during hours of employment for the contractor, to perform duties:

(1) Which are not required for the operation or maintenance of the city bus system or special transit service; and

(2) Which benefit, in an individual capacity:

(A) Any principal of the contractor; or

(B) Any director, officer, or employee of the department of transportation services.

(b) Any compensation to bus or special transit service personnel for the performance of duties prohibited under this section shall not be a necessary and legitimate expense payable by the city.

(c) For the purpose of this section, "principal of the contractor" means a director or officer of the

transit management services contractor.
(Added by Ord. 96-30)

Sec. 13-8.9 Integration of city bus system and special transit service.

(a) Any of the services to be provided by the transit management services contractor under this chapter may be provided either by the transit management services contractor or by a private, nonprofit corporation which is controlled by the transit management services contractor, and all references to the transit management services contractor in this chapter shall be deemed to refer to the transit management services contractor or to a private, nonprofit corporation which is controlled by the transit management services contractor. A private, nonprofit corporation shall be deemed to be controlled by the transit management services contractor if either (1) the transit management services contractor has the power to elect the board of directors of the private, nonprofit corporation, or (2) the majority of the board of directors of the private, nonprofit corporation concurrently serves on the board of directors of the transit management services contractor.

(b) Except if expressly provided otherwise, this chapter shall not require the transit management services contractor to maintain any particular degree of separation between the city bus system and special transit service. If deemed necessary or desirable for the public interest, the transit

management services contractor may integrate all or part of the operations of the city bus system and special transit service. The integration may include the sharing of facilities, vehicles, equipment, materials, supplies, personnel, and administrative services, subject to applicable laws and contractual obligations.

(Added by Ord. 96-30)

New Search

City and County of Honolulu, Hawaii

This web site is maintained by the Department of Data Systems (webmaster@co.honolulu.hi.us),
© March 13, 1998.

2077438056

**CHAPTER 291C
STATEWIDE TRAFFIC CODE**

**PART XII.
MISCELLANEOUS RULES**

Section 291C-121 Unattended motor vehicle.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first

- stopping the engine,
- locking the ignition,
- removing the key from the ignition,
- effectively setting the brake thereon
- and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

[L 1971, c 150, pt of Sect 1]

Section 291C-122 Limitations on backing.

(a) The driver of a vehicle shall not back it unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back it upon any shoulder or roadway of any controlled-access highway.

[L 1971, c 150, pt of Sect 1]

Section 291C-123 Driving upon bikeway.

No person shall drive any vehicle other than a bicycle or moped upon a bicycle lane or bicycle path, except upon a permanent or authorized temporary driveway;

provided that any vehicle may be driven in a bicycle lane or bicycle path as applicable if:

- (1) It is in the process of executing a legal turn, lane change, or parking maneuver;
- (2) It is an authorized emergency vehicle performing the functions under section 291C- 26;
- (3) It is an official federal, state, or county vehicle in the performance of its actual duty;
- (4) It is a stalled or broken vehicle;

- (5) It is necessary to assist a stalled or broken vehicle;
- (6) It is necessary to yield to an authorized emergency vehicle pursuant to section 291C-65; or
- (7) It is otherwise provided by law.

[L 1971, c 150, pt of Sect 1; am L 1977, c 180, Sect 7; am L 1978, c 30, Sect 3; am L 1984, c 273, Sect 10]

Section 291C-124 Obstruction to driver's view or driving mechanism.

- (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle, or as to interfere with the driver's control over the driving mechanism of the vehicle.
- (b) While operating a motor vehicle, no person shall hold in the person's lap, or allow to be in the driver's immediate area, any person, animal, or object which interferes with the driver's control over the driving mechanism of the vehicle.
- (c) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

[L 1971, c 150, pt of Sect 1; am L 1981, c 11, Sect 1; am imp L 1984, c 90, Sect 1]

Section 291C-125 Opening and closing vehicle doors.

No person

- shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with, or causing immediate hazard to the movement of other traffic,
- nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

[L 1971, c 150, pt of Sect 1; am L 1977, c 180, Sect 8]

Section 291C-126 Riding in house trailers.

No person or persons shall occupy a house trailer while it is being moved upon a public highway.

[L 1971, c 150, pt of Sect 1]

Section 291C-127 Coasting prohibited.

The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of the vehicle in neutral or with the clutch disengaged.

[L 1971, c 150, pt of Sect 1]

2077438058

Section 291C-128 Following emergency vehicle prohibited.

The driver of any vehicle other than one on official business shall not follow any emergency vehicle traveling in response to an emergency closer than five hundred feet or drive or park such vehicle within five hundred feet of where the emergency vehicle has stopped in answer to a fire alarm.

[L 1971, c 150, pt of Sect 1]

Section 291C-129 Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road, or driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

[L 1971, c 150, pt of Sect 1]

Section 291C-130 Slow moving vehicle emblem required; penalty.

(a) Any vehicle, or combination of vehicles, designed to operate at a speed of twenty-five miles per hour or less, and traveling on a public highway, shall, except when guarded by a flagman or a flare, or unless provided by ordinance, display a triangular slow moving vehicle emblem meeting ASAE Standard S276.2 as developed by the American Society of Agricultural Engineers, mounted on the rear of the vehicle, or combination of vehicles, base down and at a height of not less than three nor more than five feet from the ground to base.

(b) The use of the emblem on any vehicle, other than a vehicle designed to operate at a speed of twenty-five miles per hour or less, or on a stationary object on a public highway is prohibited.

(c) Any person who violates this section shall be fined not more than \$500.

[L 1975, C 22, Sect 1; am L 1993, c 214, Sect 13]

Section 291C-131 Spilling loads on highways; penalties.

(a) No vehicle shall be moved on any highway, unless the vehicle is so constructed, covered, or loaded as to prevent any of its load other than clear water or feathers from live birds from dropping, sifting, leaking, blowing, spilling, or otherwise escaping therefrom,

except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a highway in cleaning or maintaining the highway.

(b) No vehicle shall be driven or moved on any highway when any load thereon is not entirely within the body of the vehicle;

provided that this prohibition shall not apply if the load is securely fastened by means of clamps, ropes, straps, cargo nets, or other suitable mechanical device to prevent such load from dropping onto the highway or from shifting in any manner and, further,

no vehicle shall be operated on any highway with any load thereon projecting beyond the extreme width of the vehicle.

(c) Vehicles carrying agricultural produce from fields during harvesting shall be exempt from the requirements of this section but the owner of the vehicle must provide for the reasonable removal of all such produce spilled or dropped on the highway.

(d) No vehicle shall be driven or moved on any highway with any load if the load is not entirely covered by a cargo net, tarpaulin, canopy, or other material designed to cover the load to prevent the load from escaping from the vehicle, where the load consists partially or entirely of loose paper, loose rubbish, plastics, empty cartons, dirt, sand, or gravel.

(e) Vehicles transporting a granular load consisting of dirt, sand, or gravel on any highway shall not be required to cover their granular load if the granular load does not extend, at its peak, above any point on a horizontal plane equal in height to the top of the side, front, or rear part of the cargo container area that is the least in height.

(f) No vehicle shall be driven or moved on any highway with a load consisting of rocks, stones, or boulders if the load, at its peak, extends above any point on a horizontal plane equal in height to the top of the side, front, or rear part of the cargo container area that is the least in height.

(g) Violations of this section shall subject the owner or driver of the vehicle, or both, to the following penalties without possibility of probation or suspension of sentence:

(1) For a first violation, by:

- (A) Suspension of the vehicle registration or suspension of the license of the driver, or both, for five working days;
- (B) A fine of not less than \$250 and not more than \$500.

(2) For a second violation involving a vehicle or driver previously cited under this section, within one year:

- (A) Suspension of the vehicle registration or suspension of the license of the driver, or both, for not less than five working days but not more than ten working days; and
- (B) A fine of not less than \$500 and not more than \$750.

(3) For a third or subsequent violation involving a vehicle or driver previously cited under this section within one year:

- (A) Suspension of the vehicle registration or suspension of the license of the driver, or both, for a period of thirty calendar days; and
- (B) A fine of not less than \$750 and not more than \$1,000.

In imposing a fine under this subsection, the court in its discretion, may apportion payment of the fine between the driver of the vehicle and the owner of the vehicle according to the court's determination of the degree of fault for the violation.

For the purposes of this subsection, a truck-trailer combination and tractor-semitrailer combination, as they are defined in section 286-2, shall be considered as one vehicle.

[L 1976, c 137, Sect 1; am L 1977, c 205, Sect 1; am L 1986, c 175, Sect 1; am L 1989, c 301, Sect 1;

2077438060

am L 1990, c 121, Sect 1]

Note

The 1990 amendment does not apply to acts which occurred before June 15, 1990. [L 1990, c 121, Sect 2.]

Section 291C-132 Littering from vehicles.

(a) No person shall throw, place, or drop litter from a vehicle on any highway.

The driver of the vehicle may be cited for any litter thrown, placed, or dropped from the vehicle.

(b) "Litter" means rubbish, refuse, waste material, garbage, trash, offal, or debris of whatever kind or description, whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass, or solid waste.

(c) The court shall sentence any person convicted of the offense of littering from vehicles as follows:

(1) For the first offense, defendant shall spend four hours of either picking up litter on public property or performing community service.

(2) For any subsequent offense, defendant shall spend eight hours of either picking up litter on public property or performing community service.

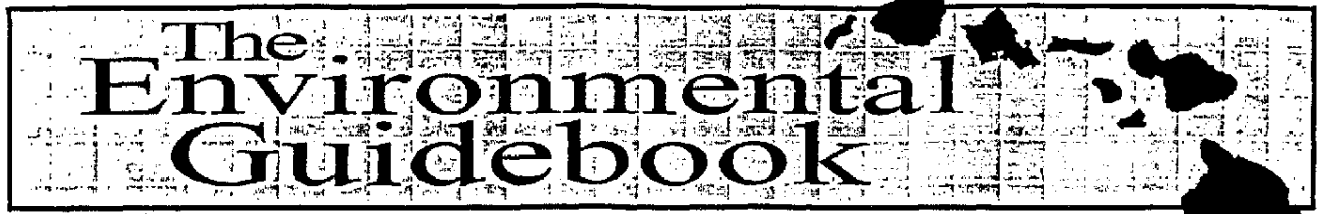
(d) The court shall fine the person convicted of committing the offense of littering at least \$25, but not more than \$500.

[L 1977, c 206, Sect 1; am L 1979, c 60, Sect 6; am L 1992, c 116, Sect 1]

[Return to main chapter index.]

Last Updated: 03-May-1996.

2077438061



OFFICE OF ENVIRONMENTAL QUALITY CONTROL

STATE OF HAWAII

**A Guidebook
for the Hawaii State
Environmental Review Process**

**This guidebook was prepared by the
Office of Environmental Quality Control
State of Hawaii**

October 1997

2077438062

The Staff of OEQC

Kay Kaminaka

Kay has worked at OEQC for nearly 4 years and is responsible for the clerical and secretarial functions of the Office. She performs the word processing and layout for the *Notice* publication and manages budget and purchasing matters.

Nancy Heinrich

A planner with the Office since 1994, Nancy reviews and drafts comments on many of the projects under environmental review. Her background in public health brings needed skills to OEQC's operations.

Les Segundo

An Environmental Health Specialist with more than 10 years in the Health Department, Les has a background in chemistry and experience in hazardous waste management. In addition to performing project reviews, he helps to manage the affairs of the Environmental Council.

Jeyan Thirugnanam

The lead planner at OEQC since 1991, Jeyan oversees many of the office operations and project reviews. He has training and experience in civil and transportation engineering and monitors legislative matters for the Office.

Gary Gill

Appointed by the Governor as OEQC Director in 1995, Gary brought his experience in City planning and governance from his time on the Honolulu City Council. He helps design office publications and leads efforts to reform Office policies and procedures.



The OEQC staff from left to right: Jeyan Thirugnanam, Gary Gill, Nancy Heinrich, Les Segundo and Kay Kaminaka.

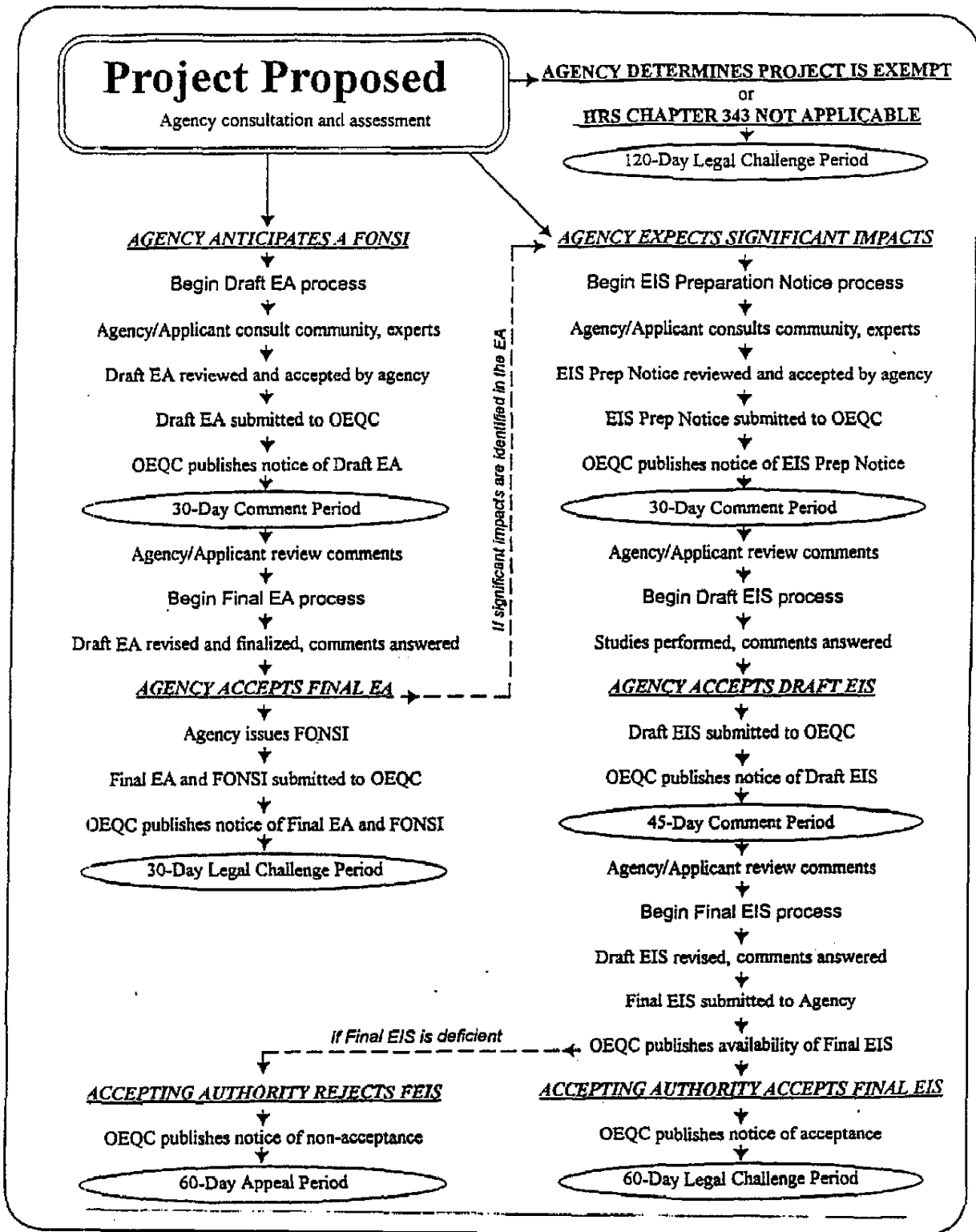
Acknowledgments

We would like to thank the following individuals for their support in producing this guidebook: Barbara Robeson, for editing and moral support; Michael Stubbings for review and chart design; John B. Morin for the artistic touches and graphics you will find on pages 8 and 10.

Thanks also to the many members of the public for giving us feedback over the years and helping us learn how to explain the environmental review system in understandable terms.

The Environmental Review System

Expanded View



2077438064

Preface

This guidebook is a summary of the environmental review process and how it works. Changes are made in the laws and rules from time to time, and users are advised to check periodically with OEQC for updates to the review process and the guidebook. Recent changes to the administrative rules, effective August 31st, 1996, have been incorporated into this guidebook. For a listing of recent rule changes, see Appendix B.

Hawaii's environmental review process was first enacted in 1974 to ensure that systematic consideration was given to the environmental consequences of actions proposed within our state. Its requirements are defined in Chapter 343, Hawaii Revised Statutes (HRS) and Title 11, Chapter 200, Hawaii Administrative Rules (HAR) of the Department of Health. They are often referred to as Chapter 343 or HRS 343, and 11-200, and are the focus of this guidebook. Refer to Chapter 1 for a basic description of the EIS process.

The review process offers many opportunities to prevent environmental degradation and protect human communities through increased citizen involvement and informed decision making. This guidebook was prepared by the staff of the Office of Environmental Quality Control (OEQC) with these goals in mind.

2077438065

Organization of this Guidebook

Chapter 1

A brief *overview* of the environmental process.

A *flowchart* of the review process.

An explanation of terms essential to a basic understanding of the process.

Recent changes to the law and rules.

Chapter 2

Citizen involvement, a critical part of the environmental review process.

Methods of *public participation*.

Chapter 3

Triggers and Exemptions: Do you need to prepare an environmental assessment (EA) or an environmental impact statement (EIS)?

Conditions that "trigger" the requirement for an environmental disclosure and review. Exemptions to this requirement; and exceptions to the exemptions.

Chapters 4, 5, and 6

Preparing an environmental review document: Details of study content requirements, with explanations and definitions, preparation highlights, agency determinations and public challenges.

- Chapter 4 - (EA) environmental assessments
- Chapter 5 - (EISPN) environmental impact statement preparation notices
- Chapter 6 - (EIS) environmental impact statements, draft (DEIS) and final (FEIS)

Appendices

Detailed information regarding issues and topics referred to in the chapters is provided in the appendices. See the Table of Contents on the next page for a complete list of appendices.

Table of Contents

A GUIDEBOOK FOR THE HAWAII STATE ENVIRONMENTAL REVIEW PROCESS

1. OVERVIEW

Hawaii's Environmental Review Process	4
Environmental Review Process Flowchart	5
Recent Changes to the EIS Law	6
Definition of Terms	6
Triggers	6
Exemptions	6
Applicant Actions	6
Agency Actions	6
Notice of Determination (FONSIs and Prep Notices)	6
Accepting Authority/Approving Agency	7
Lead Agency	7

2. PUBLIC PARTICIPATION

How You Can Participate	8
How to Review an EA or EIS	8
30-day draft EA Comment Period	9
30-day EIS Preparation Notice Consultation Period	9
45-day Draft EIS Review Period	9
Litigation	9

3. TRIGGERS AND EXEMPTIONS

Project Filter Screen Chart	10
Triggers	11
Exemptions	11
Examples of Exemptions	12
Exemption Lists	12
Exclusions to the Exemptions	12

4. PREPARING AN EA 13

Overview of the Environmental Assessment Process	13
Public Notification	13
Determinations and Challenges	13

Preparing an Environmental Assessment	13
Pre-assessment Consultation	13
Agency Consultation	14
Community Consultation	14
Putting the Environmental Assessment Together	14
Significance Criteria	16
Preparing the Final EA	16
Additional Guidelines	17
If an Action is Subject to More than One Trigger	17
Avoid Project Segmentation	17
Submission Details	17

5. PREPARING A PREP NOTICE

Overview	18
Public Notification	18
Preparing Your Document	18

6. ENVIRONMENTAL IMPACT STATEMENTS

EIS Content Requirements	19
Statement Preparation	20
Draft EIS:	20
Final EIS:	20

APPENDICES

A. ENVIRONMENTAL POLICY LAWS	22
B. RECENT CHANGES TO THE EIS RULES	24
C. EXEMPTIONS	26
D. RELATED ENVIRONMENTAL LAWS	28
E. LITIGATION/TIME LIMITATIONS	35
F. AGENCY DESCRIPTIONS	36
G. GUIDANCE DOCUMENTS	41
H. FORMS	42
I. ENVIRONMENTAL IMPACT STATEMENT RULES ..	43

2077438067

1. OVERVIEW

Hawaii's Environmental Review Process

Adopted in 1974 and patterned after the National Environmental Policy Act (NEPA) requirements, Hawaii's Environmental Impact Statement law (HRS 343) requires the preparation of *environmental assessments* and *environmental impact statements* for many development projects. The law requires that government give systematic consideration to the environmental, social and economic consequences of proposed development projects before granting permits that allow construction to begin. The law also assures the public the right to participate in planning projects that may affect the community. The Office of Environmental Quality Control implements this law in Hawaii.

If a proposed action is subject to the EIS law and has not been ruled exempt, the environmental review process typically begins with the development of a *draft environmental assessment* (EA). An EA is an informational document prepared by the proposing agency or the private applicant and used to evaluate the possible environmental effects of a proposed action and determine if an EIS is required. The *environmental assessment* must give a detailed description of the proposed action or project and evaluate direct, indirect and cumulative impacts. The document must consider alternatives to the proposed project and describe any measures proposed to minimize potential impacts. The public has 30 days to review and comment on a *draft environmental assessment*.

After the *draft EA* has been finalized and public comments responded to, the agency proposing or approving the action reviews the *final assessment* and determines if any "significant" environmental impacts are anticipated.

If the agency determines that the project will not have a significant environmental impact, it issues a *finding of no significant impact* (FONSI). This determination allows the project to proceed without further study. Within 30 days of the notice of this finding, the public may challenge an agency's determination by filing suit in Circuit Court.

If the agency determines that the action may have a significant impact, a more detailed *environmental impact statement* (EIS) must be prepared. The decision to prepare an EIS can be made either after reviewing an EA or at the inception of the project. An *EIS preparation notice* is then issued and undergoes a 30-day comment period to define the scope of the draft EIS. Publication of an *EIS preparation notice* initiates a 60-day period during which an aggrieved party may challenge the determination in court.

An *environmental impact statement* assesses the proposed project through research, discussion and review. It must, at a minimum, identify environmental concerns, obtain various relevant data, conduct necessary studies, receive public input, evaluate alternatives, and propose measures for minimizing adverse impacts. The EIS must be structured to disclose information in a concise manner using understandable terms.

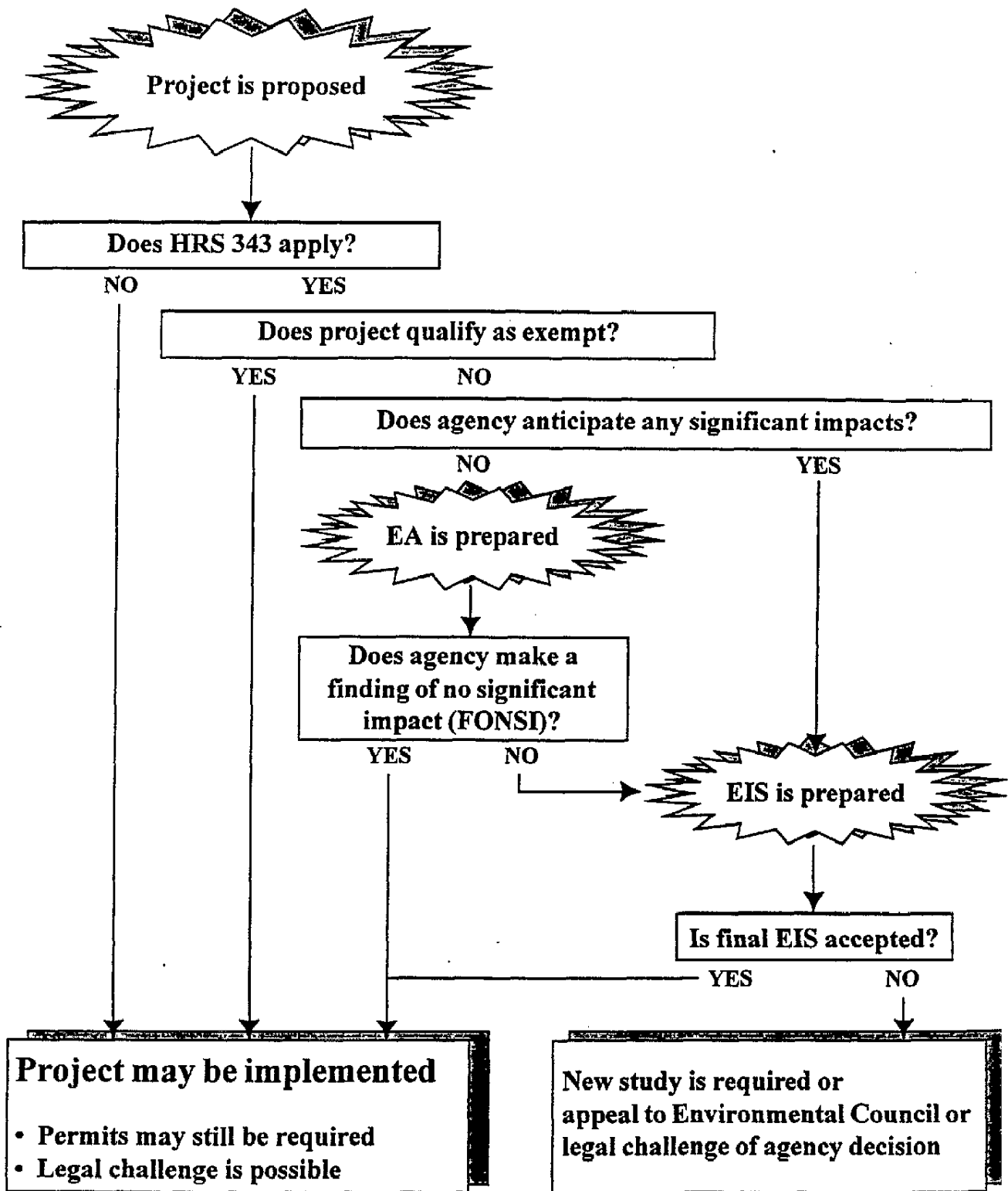
The EIS is prepared in both draft and final stages by the proposing agency or applicant. It is initially published as a *draft EIS* and subjected to a 45-day review by the public and government agencies. After public comments are responded to, the draft is revised and submitted as the *final EIS*.

The *accepting authority* must determine the acceptability of a *final EIS*. Statements for projects initiated by the state government are accepted by the governor. Statements for projects initiated by the county government are accepted by the county mayor or the mayor's designate. Statements for privately initiated projects are accepted by the permitting government agency. After a *final EIS* is accepted, the project may proceed.

The publication of a *final EIS* acceptance notice initiates a 60-day period during which an aggrieved party may challenge the determination by filing suit.

Every year in Hawaii hundreds of government and private proposals require an environmental review. Notice of these projects, studies and determinations are published twice each month by OEQC in The Environmental Notice.

Environmental Review Decision-Making Process



2077438069

Recent Changes to the EIS Law

Recent changes to the EIS Rules were enacted into law August 31, 1996. They include new definitions, changes to certain exemptions, new requirements for draft EA content and distribution, and new and amended significance criteria. See Appendix B, Recent Changes to the EIS Rules for more on this topic.

Definition of Terms

This section defines terms the reader needs to know in order to understand Hawaii's environmental review process. Definitions of more terms can be found in the EIS rules in Appendix I.

Triggers

Eight types of actions constitute the "triggers" of the environmental review law. Projects that propose the use of: state or county lands or funds; land in the conservation district; land in the shoreline setback area; any historic site or district; or land in Waikiki must be subject to an environmental review prior to its implementation. Also, any proposed reclassification of conservation land; amendment to a county general plan, and any new or expanded helicopter facility may trigger an environmental review.

Exemptions

Although a project may touch one of the above triggers, it does not necessarily require the preparation of an environmental review document. Certain classes of activities that are routine and minor in scope are exempt from the EA requirement. See Chapter 3 for more information on exemptions.

Applicant Actions

Applicant actions refer to those that are initiated by a private party and "trigger" an environmental review. A new resort development or residential subdivision on non-urban land are examples of applicant actions. The agency with the authority to grant approval of the project requires the applicant to prepare an environmental assessment prior to permitting its development.

Agency Actions

Agency actions are those proposed by a government agency. The agency proposing the action is responsible for preparing an environmental assessment, reviewing the document, submitting the document to OEQC for publication, and issuing a notice of determination on the need for an EIS.

Notice of Determination (FONSIs and Prep Notices)

A notice of determination is issued by an agency and accompanies a final environmental assessment. The determination states that the action will either have no significant impact, (a FONSI, Finding of No Significant Impact), or *may* have a significant impact. If a FONSI is issued, the project may proceed without further study. Without a FONSI determination, an agency must issue an Environmental Impact Statement Preparation Notice stating that a full EIS will be required.

Accepting Authority/Approving Agency

A final EIS must be accepted by a government entity before a project can proceed. The accepting authority for state agency actions is the governor. For county actions, the respective county mayor or designated department director must accept the EIS. Privately initiated EIS documents must be accepted by the government agency empowered to issue permits for the project.

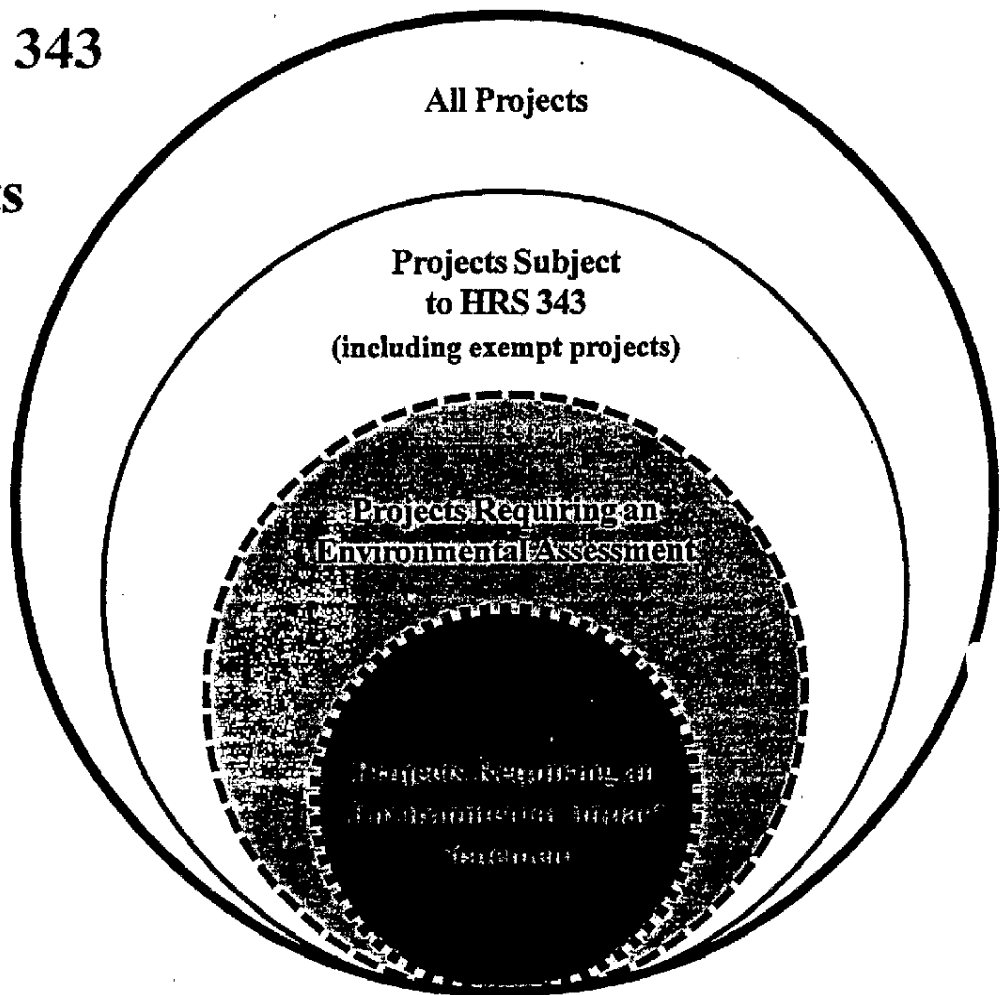
A final EA must be approved by the government agency with permitting power over the project. For agency-action environmental assessments, the proposing and approving agency are one and the same.

The Office of Environmental Quality Control may advise government agencies on the acceptability of environmental review documents but does not have the final say.

Lead Agency

If an applicant simultaneously requests approvals from two or more agencies, only one agency will act as the lead agency. One environmental assessment will meet the requirements of both agencies, and both agencies will be involved in the preparation of the assessment and its determination. If these agencies are unable to agree as to which agency should be the accepting authority, OEQC will decide the lead agency.

**How HRS 343
Applies to
all Projects**



2077438071

2. PUBLIC PARTICIPATION

Public participation is an integral part of the EIS review process. There are three public participation periods provided in which citizens review and comment on proposed projects. The first is the public comment period on draft environmental assessments. The second is the consultation period prior to the development of a draft EIS (the EIS preparation notice stage), and the third is the review period after the submittal of the draft EIS.

Because time limits for these periods are short, regularly reviewing OEQC's publication, *The Environmental Notice*, is vital if you wish to monitor a particular project, or any project that may be proposed in your neighborhood. The *Notice* can be obtained by calling OEQC at 586-4185 or by picking one up at the Office of Environmental Quality Control, 235 South Beretania Street, suite 702, Honolulu, Hawaii 96813. Call the Office to ask about receiving a free subscription to the *Notice* by mail, by fax or on the Internet.

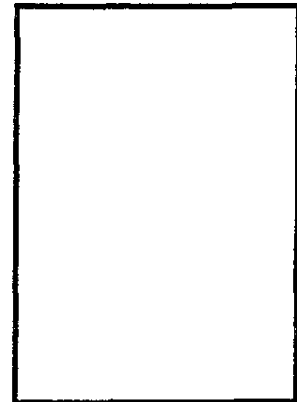
OEQC is the legal repository of all environmental review documents (draft and final EAs, draft and final EIS's). The public may request to borrow or examine any document which has been submitted to the Office. Comment letters received may also be examined.

At times, proposed projects may generate considerable public interest. Agencies or applicants may hold public meetings to exchange information with the community. These hearings are another excellent opportunity to participate and voice your concern. Public meetings are usually announced in the local newspapers. OEQC publishes notice of important public meetings whenever possible.

How You Can Participate

By becoming involved in the environmental review process, you can help to anticipate and avoid environmental problems.

- Watch the newspaper for projects coming up in your area; find out if an EIS is required.
- If an EIS is not required and you think one should be, find out why.
- Get on *The Environmental Notice* mailing list to find out about draft EAs, FONSI's, EIS preparation notices and EIS's available for review.
- Request to be a consulted party for EIS's for projects that concern you.
- Review an EA or EIS at your local library.
- Submit written comments on a draft EA or EIS



How to Review an EA or EIS

The basic purpose of an EA or EIS is to provide information to the public and decision makers on proposed actions. An EIS is not a self-serving recitation of the proposed action's benefits. It must provide complete and balanced analysis in a self-contained document capable of being understood by the reader without undue cross-reference. In reviewing an EIS, you may ask some of the following questions. Content checklists for draft and final EIS's are found in Appendix H.

- Is the project adequately described? Does the EIS enable you to fully understand what the project is all about?
- Is the surrounding environment adequately described? How does the project relate to its surroundings?
- Are all the possible impacts adequately described? Is there any particular impact that is not discussed at all, or superficially discussed? Are there any assumptions that appear unreasonable? Is there adequate information in the EIS to support conclusions?

2077438072

-
- Are alternatives to the proposed project (including no project at all) adequately explored? Are there other ways to carry out the project which may be less damaging to the environment? Are different designs or approaches discussed sufficiently? What basic improvements can you suggest?
 - What new data or information can you provide on possible environmental impacts or other alternatives that may lessen impacts? Residents often know local conditions from personal experience. This input can be useful.

In submitting written comments:

- Be as specific as possible. Ask short, simple, direct questions you would like to see answered in the final EA or final EIS.
- Itemize your comments. Rather than lumping them together in long paragraphs, list each point separately.
- Be reasonable. Offer facts to support opinions.

30-day Draft EA Comment Period (for anticipated FONSI's)

If you wish to comment on a proposed action, you must send an original copy of your comments to the accepting authority/approving agency. Also send copies of your comment letter to the applicant, the consultant and to OEQC. The agency or applicant must respond in writing to comment letters postmarked within the 30-day comment period. The agency must then prepare a final environmental assessment which includes copies of all comment letters and responses, and any necessary changes to the text or graphics of the document.

30-day EIS Preparation Notice Consultation Period

If you wish to be a consulted party on a proposed action for which an EIS will be required, you must send a written request to the proposing agency or applicant as listed in the EIS preparation notice within the 30-day comment period after its first publication in *The Environmental Notice*.

The proposing agency or applicant will then send you a copy of the preparation notice and the EA. Within the 30-day comment period you must submit any written comments regarding the effects of the proposed action. This "consulted party status" allows you to inform preparers of the EIS of concerns you would like fully discussed in the EIS.

Applicants and proposing agencies must respond in writing to all substantive comments received during the preparation notice stage and include both comments and responses in the draft EIS.

45-day Draft EIS Review Period

If you wish to submit comments on the draft EIS, you must write to the proposing agency or accepting authority as indicated in *The Environmental Notice* within 45 days of the first publication date. Also send copies of your comment letter to the applicant, the consultant and to OEQC. Your comments will be responded to in writing and incorporated into the final EIS.

Litigation

The final avenue of participation is through initiating legal action to challenge one of the following situations;

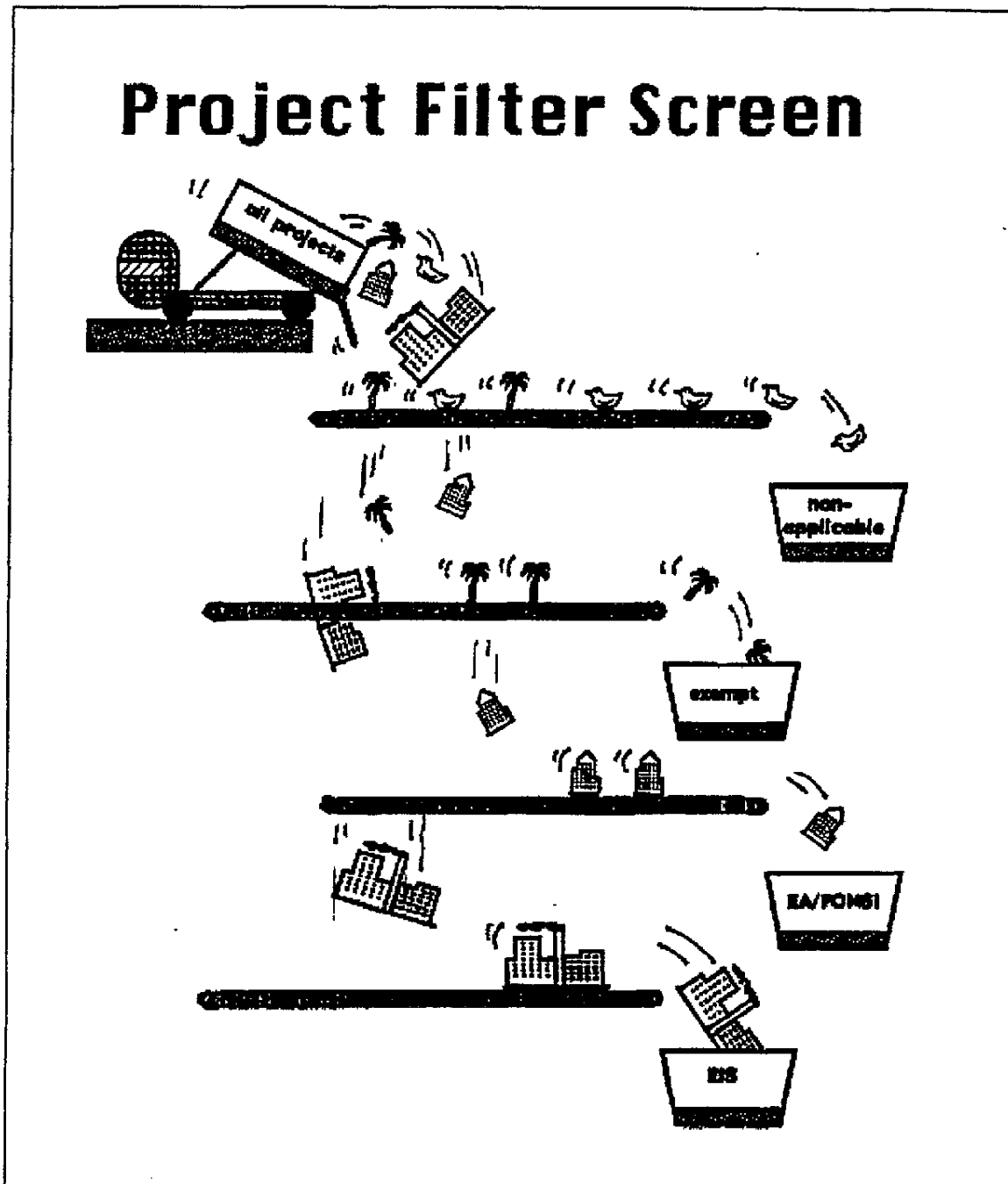
- The failure of an agency to require the preparation of an environmental assessment;
- The improper determination that an EIS is or is not required for a project;
- The improper acceptance of a final EIS.

A full discussion of legal issues and their time frames can be found in Appendix E.

3. TRIGGERS AND EXEMPTIONS

Under the state's environmental review law, all activities fall into one of four categories:

1. Those that do not require a Chapter 343 review;
2. Those that trigger Chapter 343 but are exempt;
3. Those that trigger Chapter 343 and require the preparation of an environmental assessment; and
4. Those that trigger Chapter 343 and require the preparation of an environmental impact statement.



2077438074

Triggers

Every year hundreds of actions proposed by government or private applicants require the preparation of an environmental review. The environmental review is required under HRS 343 (the EIS law) for any program or project that proposes one or more of the following eight land uses or administrative acts.

1. Use of state or county lands or funds other than for feasibility studies or the purchase of raw land
2. Use of any land classified as Conservation District by state law
3. Use within the Shoreline Setback Area (usually 40 feet inland from the certified shoreline)
4. Use within any Historic Site or District as designated in the National or Hawaii Register of Historic Sites
5. Use within the Waikiki Special District as designated by the county
6. Any amendment to county general plans that would designate land as other than agriculture, conservation or preservation except comprehensive plan amendments initiated by the county
7. Reclassification of state Conservation District lands
8. Construction or modification of helicopter facilities which may affect conservation land, the shoreline area, or historic properties

Once an agency determines that an action "triggers" the EIS law, it must decide if the action is either:

- exempt from preparing a review document;
- will require an relatively brief review via an environmental assessment; or
- will require a full environmental impact statement.

Any program or project that triggers the EIS law must complete the environmental review process before final approval can be granted. The process requires that documentation disclosing environmental impacts be prepared and subjected to public review. The final environmental document must be "accepted" by an approving agency as verification that all requirements of the review process have been adequately fulfilled.

It should be noted that some private actions which may have significant environmental effects do not trigger the Chapter 343 review process. They may, however, be subject to an environmental review through other laws or permitting processes. See Appendix D, Related Environmental Review Laws.

Exemptions

Not every program or project falling within these eight categories will need to undergo an environmental review. Certain activities are deemed minor or routine by the state or county agency that has oversight. The agency can declare the activity *exempt* from environmental review. There are 10 classes of exempt action under the EIS rules.

The exempt classes of activities are as follows:

1. Operation, repairs, or maintenance of existing structures, facilities, equipment, or topographical features
2. Replacement or reconstruction of existing structures and facilities
3. Construction and location of single, new, small facilities or structures
4. Minor alterations in the conditions of land, water, or vegetation
5. Basic data collection, research and experimental management
6. Construction or placement of minor structures accessory to existing facilities
7. Interior alterations
8. Demolition of structures except historic structures
9. Zoning variances except shoreline setback variances
10. Continued administrative activities such as purchasing supplies and personnel related actions.

The agency must keep the memo declaring a project exempt on file and available for review by the public.

Examples of Exemptions

Here are some examples of actions usually declared exempt from environmental review. The exemption class is noted below in italics. See Appendix C for a complete list of exempt classes of actions.

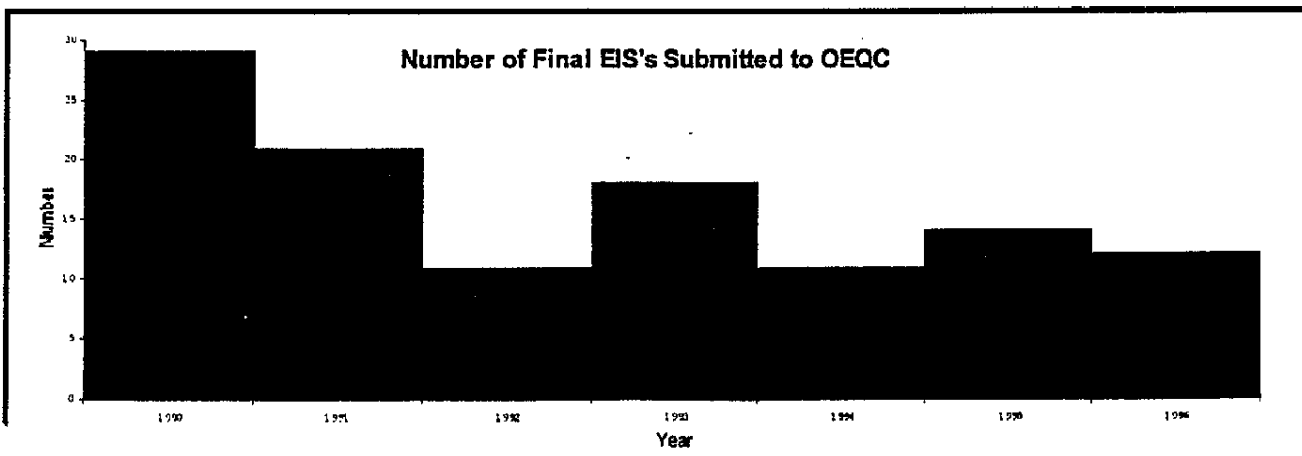
- Equipment that is on state land (a trigger) requires an overhaul; this exemption represents *negligible or no expansion or change of use*.
- Replacement of a drainage culvert, paid for by county funds (a trigger) is considered *replacement of existing structures*.
- In the conservation district (a trigger) a homeowner wishes to add a porch to his home; this is a *minor accessory structure to an existing facility*.
- The extension of utility lines across government lands (a trigger) to a single family home is exempt as an *essential public utility services extension to serve structures or facilities*. The *acquisition of utility easements* is also exempt.
- A state or county agency's purchase order for five cartons of paper clips using state or county funds (a trigger) is exempt as a *continuing administrative activity*.

Exemption Lists

Each state or county agency, after consultation with other agencies having expertise or jurisdiction, is responsible for preparing a list of agency specific actions it considers exempt. This *exemption list* is submitted to the Environmental Council, which reviews and concurs with it if appropriate. After an agency has an "approved" list, it can implement any action on the list without preparing an environmental assessment. The agency must keep a record of each exemption determination on file and available for review. Agency exemption lists are kept on file with the agency and at OEQC.

Exclusions to the Exemptions

In some cases, an action that would usually be considered exempt can still require an environmental review. If an exempt action is proposed in a particularly sensitive environment, or if successive exempt actions could have a cumulative significant impact, the exempt status of the action would be invalid. Environmentally sensitive areas include flood plains, wetlands, beaches and coastal areas, erosion-prone areas, geologically hazardous land, critical habitat and estuaries. See Appendix C, Exemptions.



2077438076

4. PREPARING AN ENVIRONMENTAL ASSESSMENT

Overview of the Environmental Assessment Process

An environmental assessment (EA) is a single-volume document which is prepared for a proposed action that triggers the Environmental Impact Statement process. The information and analysis within an EA is used to determine if the impacts of a proposed action are significant enough to warrant the preparation of an Environmental Impact Statement. The eight triggers (conditions) that require the preparation of an EA are summarized in Chapter 3.

Public Notification

OEQC publishes notice of draft EAs, final EAs, FONSI determinations, EIS Preparation Notices and draft and final EIS's, in every *Environmental Notice*. In addition, notices of the proposal or copies of the review document can be distributed directly to interested parties, those affected by the proposed activity and to those who specifically ask to be notified. The agency or applicant must also deposit at least one copy of the draft environmental assessment at the state library closest to the location of the proposed action.

Notice of a draft EA is published in *The Environmental Notice*. The date of this publication begins a 30-day public review period. At the end of the review period, the applicant prepares a final EA and submits it to OEQC through the approving agency along with a cover letter, bulletin publication form and four copies of the document. See the Preparing the final EA and Submission Details sections of this chapter.

Determinations and Challenges

An approving agency must submit a determination letter with the final environmental assessment either making a Finding of No Significant Impact (FONSI) or issuing an Environmental Impact Statement Preparation Notice (EISPN).

If a FONSI is declared, the applicant may proceed with the project. The publication of a FONSI also initiates a 30-day period in which the determination may be challenged in court.

If the agency determines that the action may have a significant impact, an EISPN is issued. Publication of this determination in *The Environmental Notice* initiates a 30-day consultation period to define the scope of the draft EIS and collect public comments. Publication of the determination also initiates a 60-day period in which an aggrieved party may challenge in court the agency determination that an EIS is required.

Preparing an Environmental Assessment

Pay particular attention to the items in italics, as they are often omitted or done incorrectly.

Pre-assessment Consultation

Prior to preparing your draft EA it is important to *consult with the community regarding your proposed activity* as well as agencies. Groups, individuals and organizations that have expertise in the field, have an interest or will be affected by the activity you are proposing should be consulted. Immediate neighbors or neighboring landowners must be contacted. Consultation with the local planning department is required. The local planning staff can also direct you to other necessary agency contacts.

Agency Consultation

Project proponents should make a good-faith effort to contact interested parties. Here are some examples of agency consultation.

- If your project is located in the Conservation District, you will need to contact the Department of Land and Natural Resources (DLNR) and possibly the Na Ala Hele (Trails) program of DLNR;
- If your project is in a coastal area, you will need to contact the Department of Land Utilization on Oahu or, on a neighbor island, the county planning department for a Special Management Area Permit and a Shoreline Setback Variance; the Coastal Zone Management Program of the Department of Business and Economic Development and Tourism; and the U.S. Fish and Wildlife Service. A permit from the Army Corps of Engineers may also be required;
- If your project is in an historic district or near an historic site, you will need to consult with the State Historic Preservation Division of DLNR.

Community Consultation

Consultations with community or interest groups must not be neglected. In the examples listed above, the following contacts would be appropriate:

- In Conservation zoned sites, contact The Nature Conservancy, The Outdoor Circle, the Sierra Club and Hawaii's 1000 Friends;
- In coastal areas, contact the Sierra Club and UH's Sea Grant Program;
- In historic areas, contact the Historic Hawaii Foundation.

Depending on the nature of the activity proposed, certain agency consultations are required and must be documented in the EA. For more information, see Appendix F, agency descriptions.

Putting the Environmental Assessment Together

When reading your draft EA, the average citizen should be able to understand and have a clear mental snapshot of your project. Use straightforward language. Pictures and graphics also enhance understanding. Follow OEQC's draft EA checklist found in Appendix H. The items below are numbered to correspond with the checklist.

Pay particular attention to the items in italics, as they are often omitted or done incorrectly.

In a summary section include the following:

1. Identify the applicant or proposing agency
2. Identify the approving agency, if applicable
3. Describe the anticipated determination (is a FONSI anticipated?)
4. List individuals, community groups and agencies consulted. Copies of any correspondence should be appended to your draft EA.

Other helpful information which should be listed here includes:

- Tax map key numbers of affected properties
- Names of property owners and lessees
- Land use classifications; State designation, County general, community, development plans and zoning
- Special designations: Special Management Area, shoreline setback, historic site or facility listed on a state or federal register

2077438078

In the body of the text include the following:

5. Describe the action's technical, economic, social, and environmental characteristics; time frame; funding and source.
 - a. If a facility is planned, provide floor plans and a *photo or drawing* of its final appearance.
 - b. Indicate anticipated start and end dates of the project.
 - c. *Disclose the amount of any state or county funds involved, including federal or other funds administered by state or county agencies.*

6. Describe the affected environment and include appropriate maps.

If the project is located in or near a sensitive environment discuss the impacts of the project on the area as well as mitigation measures planned to prevent, lessen or counteract these impacts. Sensitive areas include flood plains, tsunami zones, beaches, streams, rivers, ocean, estuaries, anchialine ponds, fresh or coastal waters, erosion-prone areas and geologically hazardous land. *Descriptions of flora, fauna, significant habitats, historical/archaeological and cultural sites. Impacts to sensitive habitats (such as a refuge) and their mitigation measures need to be discussed.*

Maps and graphics will help the reader visualize your project. *Location and site maps are required that show the island, the area of the project and the immediate neighborhood, each with the project site indicated.* Maps should always include a title, a north arrow and a scale.

7. Identify and summarize positive as well as negative major impacts. The impacts of concern are of the proposed action on the surrounding environment and community, not the impact of the environment on the action. If certain types of impacts are not applicable, *explain why* rather than glossing over them. For example, discuss why certain impacts (such as those to threatened or endangered species or construction impacts on a nearby stream) are not present rather than not mentioning them at all.

8. Describe proposed mitigation measures, if any. It is not sufficient to state that appropriate mitigation measures will be instituted whenever necessary. The potential problems must be identified and appropriate mitigation described. If a mitigation measure is identified, the corresponding impact should also be described. Best Management Practices should be described and employed whenever possible.

For mitigation at Historic Sites, the environmental assessment must include: 1) copies of the mitigation and/or preservation plans prepared for the Department of Land and Natural Resources' State Historic Preservation Program; and 2) a copy of the approval letter for the plans from the State Historic Preservation Program.

9. Consider alternative methods and modes of your project, and discuss them in the draft EA. Select the one with the least detrimental effect to the environment. Alternatives to consider include:

- Different sites: is one site less likely to infringe on an environment that needs protection, such as a wetlands or an historic district?
- Different facility configurations: is one configuration less likely to intrude on scenic viewplanes?
- Different implementation methods: can a rocky area be cleared by backhoe removal rather than blasting?

Alternative analysis should include input from the community. Community members may be aware of concerns and impacts that make a particular alternative more or less desirable.

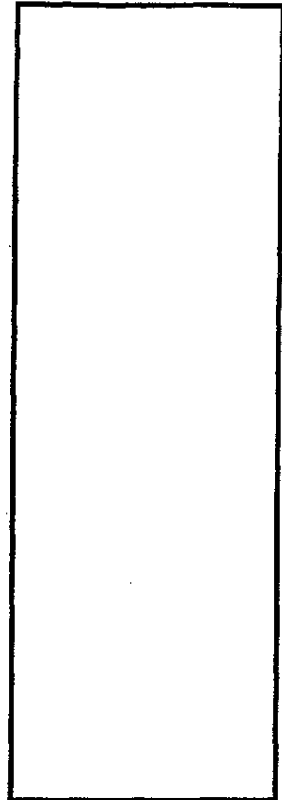
10. List the expected determination, either a Finding of No Significant Impact (FONSI) or the requirement to prepare an EIS. In anticipating a determination, the agency shall consider every phase of a proposed action, the expected primary and secondary consequences, and the cumulative as well as the short and long-term effects of the action. Include the findings and reasons supporting the determination.

2077438079

Significance Criteria

In most cases, an agency determines that an action may have a significant impact on the environment if it meets any of the following criteria.

- (1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;
- (2) Curtails the range of beneficial uses of the environment;
- (3) Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders;
- (4) Substantially affects the economic or social welfare of the community or state;
- (5) Substantially affects public health;
- (6) Involves substantial secondary impacts, such as population changes or effects on public facilities;
- (7) Involves a substantial degradation of environmental quality;
- (8) Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;
- (9) Substantially affects a rare, threatened, or endangered species, or its habitat;
- (10) Detrimentally affects air or water quality or ambient noise levels;
- (11) Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;
- (12) Substantially affects scenic vistas and viewplanes identified in county or state plans or studies; or,
- (13) Requires substantial energy consumption.



The EA should discuss the project impacts in relation to each of these criteria in detail. It is not sufficient to simply state that a project does not have any significant impacts or to just restate each criteria in its negative form.

11. In the draft EA list all permits, variances and approvals required and their status.

12. Document contacts made with community groups and agencies before preparing your draft EA and include any correspondence. The law requires that a good faith attempt be made to bring to light environmental concerns prior to the formal draft EA review period.

Preparing the final EA

After public comment is received on a draft environmental assessment, the document is finalized. Any new or better information required due to public or agency comment is added to the document. New information could include changes to the text, figures, tables, maps and other ancillary parts of the study.

A final EA must be accompanied by the notice of determination and include all comment letters and responses. The notice of determination (FONSI or EISPN), issued by the approving agency, must list the following items:

- (1) Identification of applicant or proposing agency
- (2) Identification of approving agency
- (3) Brief description of proposed action
- (4) Determination

2077438080

-
- (5) Reasons supporting the determination
 - (6) Name, address and phone number of contact person for further information
 - (7) For preparation notices only: List of agencies to be consulted in the preparation of the EIS.

After reviewing comments received, the document writer must discuss findings and reasons that support the determination in consideration of the significance criteria listed above. *The final EA must discuss the project impacts in relation to each of these criteria in detail. It is not sufficient to simply state that a project does not have any significant impacts or to just restate each criteria in its negative form. Evidence justifying the determination that the proposed action will or will not result in any significant environmental impact must be included.*

All comment letters received during the 30-day review period require a response addressed directly to the commenter. Copies of all comment letters and the responses to the letters must be included in the final EA. Although some applicants prefer to answer all comment letters at the end of the review period, responses may be sent at any time.

OEQC will publish notice of the determination only when all the required items are submitted for publication. See the section on Submission Details below.

Additional Guidelines

If an action is subject to more than one trigger

If an action is subject to more than one trigger, all applicable approving agencies should be involved in the preparation of the environmental assessment and in determining if an environmental impact statement is required. The Office of Environmental Quality Control is empowered to select a single lead agency to process an environmental review if the agencies involved cannot agree among themselves. This is to assure that a single document will meet the requirements of all the agencies involved in a project's approval. See also the Lead Agency section of Chapter 1.

Avoid Project Segmentation

The proposed action must be described in its entirety and cannot be broken up into component parts each of which, if taken separately, may have minimal impact on the environment. Segmenting a project in this incremental way to avoid the preparation of an environmental impact statement is against the law. If a project includes a later phase that cannot be fully described or studied today because it is likely to be implemented in the distant future, that future phase should be described in as much detail as possible in the EA. Should the future phase of such a project be proposed, a new environmental review document will be required at that time.

Submission Details

2077438081

For a **draft EA**, complete the "OEQC Publication Form" which includes a brief (less than 300-word) description of the project. In addition, submit the summary on a disk using WordPerfect for DOS or Windows or by email to oeqc@pixi.com. Submit the documents to the agency processing your request. The agency will then submit to OEQC an original cover letter along with four copies of the document, the OEQC Publication Form and the disk. The letter must be on agency letterhead and signed by a responsible official. This letter will indicate the title of the project, the status of the document (draft EA) and the expected determination.

For a **final EA**, complete the "OEQC Publication Form," and submit it to the agency. The agency will submit four copies of the document along with an original cover letter to OEQC. This cover letter serves as a formal declaration stating that the document has been reviewed and that the action either may have or will not have significant impacts on the environment. This determination must be the approving agency's --*not the consultant's*-- judgment. If no impacts are deemed significant, the agency declares a Finding of No Significant Impact (FONSI). If significant impacts are anticipated, the agency submits the final EA as an Environmental Impact Statement Preparation Notice (EISPN).

5. PREPARING AN ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Overview

An environmental impact statement preparation notice ("EISPN" or "prep notice") must be written when it is known that an EIS will be prepared. There are two circumstances that lead to the publication of a prep notice.

First, an agency may have published an environmental assessment in anticipation of a finding of no significant impact (FONSI). Upon review of the information collected during the EA process and in consideration of public comment, an agency may determine the need for a full EIS because the project may have significant effects after all. In this case, the document that was planned to be a Final EA, with an anticipated FONSI, is instead revised and printed as an EIS Prep Notice. The public is again invited to comment on the content of the forthcoming EIS.

Second, an agency may know from the beginning that a project is likely to have a significant affect on the environment and therefore decide to go straight to the EIS preparation process.

An EIS Preparation Notice is prepared following the content criteria and format for a Final EA.

The EISPN does not give full detail of the proposal but defines the scope of analysis that will be covered in the subsequent environmental impact statement. To prepare or review an EIS preparation notice, follow the provisions of Chapter 4 of this guidebook. (See also Chapter 3 for a discussion of the eight triggers (conditions) that require the preparation of an environmental assessment.)

Public Notification

The proposing agency or applicant must distribute copies of the EISPN to appropriate agencies, citizen groups and concerned citizens. Notice of an EISPN will then be published in *The Environmental Notice* until the public comment deadline has passed. The date of the first publication begins a 30-day public review period. After the review period, the applicant prepares a draft EIS and submits it to OEQC through the accepting authority along with a cover letter and four copies of the document. See the Submission Details section of the previous chapter.

Preparing Your Document

An EIS preparation notice is prepared following the content criteria and format for a Final EA.

The EISPN does not give full details of the proposal but defines the scope of analysis that will be covered in the subsequent environmental impact statement. To prepare or review an EIS preparation notice, follow the provisions of Chapter 4 of this guidebook. Please note the following distinctions between the format of an EA for an anticipated FONSI and an EIS Preparation Notice.

- Comments received during the comment period on an EIS preparation notice must be included in the draft EIS.
- Agencies that will be consulted during the drafting of the EIS must be listed in the preparation notice.
- If impacts to the environment are anticipated but are not yet fully known at the preparation notice stage, a listing of all the studies and/or research that will be performed in the Draft EIS must be included.

6. ENVIRONMENTAL IMPACT STATEMENTS

The environmental impact statement (EIS) is a disclosure document that analyzes the effects of a proposed project or program on the environment. This in-depth study must provide mitigation measures to prevent or reduce the project's negative effects and present alternative methods, modes or designs of the proposed action.

An EIS is preceded by an EIS preparation notice that undergoes a 30-day comment period.

Next, the study is compiled and printed as a draft environmental impact statement. This draft EIS is circulated to public libraries and consulted parties and a 45-day public comment period is provided.

After comments have been received and answered, the draft EIS is finalized with updated information. The final document must be accepted by the accepting authority as complete and technically adequate before the proposed project can be implemented. At each step in this process, notice is published in OEQC's bulletin, *The Environmental Notice*.

After an EIS has been accepted, the final step in the process is a challenge period. Aggrieved parties have 60 days from notification of acceptance to challenge the acceptability of the final document in court.

The accepting authority for an EIS on proposed state actions is the governor, and for county actions, the mayor. For private applicant actions the accepting authority is a state or county agency with the power to grant discretionary permits on the project.

EIS Content Requirements

An Environmental Impact Statement must be written in plain language to allow public understanding of its content. The rules that govern the EIS process require that the statement contain at least the following elements.

- A concise summary and table of contents
- A statement of purpose for the project
- A detailed project description including maps, technical data, economic and cultural effects and historical perspective
- An analysis of alternatives to the proposed project and an explanation as to why the alternatives were rejected
- A description of the environmental setting
- A statement of the relationship of the proposed action to land use plans, policies and controls for the affected area
- A description of the probable impacts of the project including the direct, indirect and cumulative impacts, as well as impacts on both natural and human environments
- A description of the relationship between short-term uses of environmental resources and long-term productivity (sustainability analysis)
- A statement of the unavoidable environmental impacts caused by the project and a rationale for proceeding with the project in light of these impacts
- A consideration of all mitigation measures proposed to avoid, minimize, rectify, or reduce the project's adverse impacts
- A summary of unresolved issues and a discussion of how such issues will be resolved
- A listing of all agencies, organizations and individuals consulted during the preparation of the document
- Reproduction of all substantive comments received during the study process and the responses to those comments

Statement Preparation

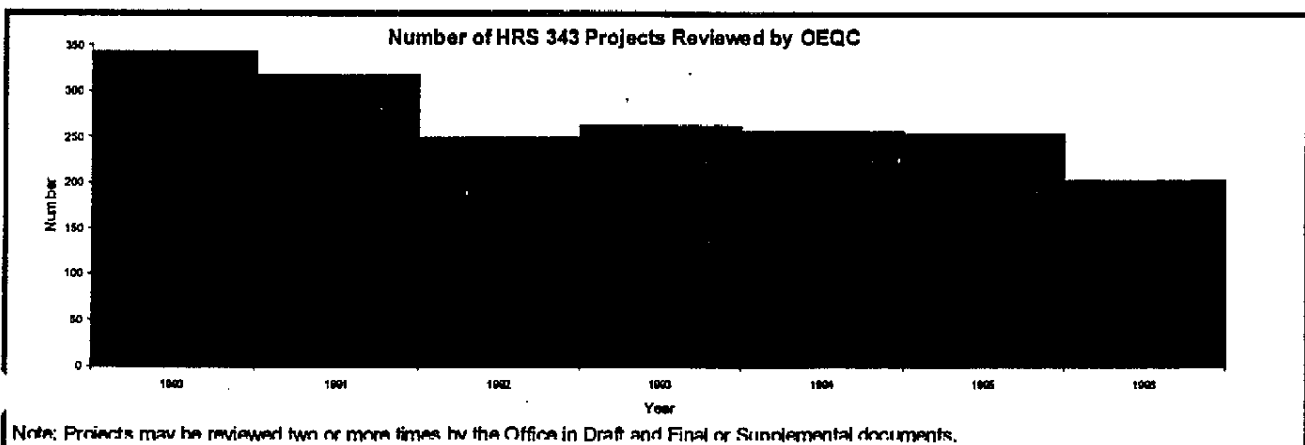
Because most authors of EIS documents are familiar with the content requirements, this chapter lists only those items which are often performed incorrectly and need special attention. The items below are referenced by the OEQC checklist numbers assigned to them. See Appendix H for this checklist.

Draft EIS:

2. Summary sheet: be sure that all items on the summary sheet checklist appear (in abbreviated form) in this section. Any omissions will have to be corrected later.
4. Project description
Use of public funds or lands: If public funds are involved, including funds flowing through any state or county agency, they must be disclosed as to source and amount. If public lands are involved, this fact must be disclosed.
Historical perspective: Describe how the project evolved, including a brief historical perspective of its background.
5. Alternatives: After an evaluation and analysis of alternatives, the rationale must be given for the rejection of any alternatives.
6. Environmental setting
Local and regional perspective: Include in this section an historical view of the region and locality of the project site.
Rare or unique environmental resources: Besides historic and archeological resources, discuss those having cultural value (such as a heiau or sacred caves) or natural resources (such as forests, wetlands or important viewsheds).
7. Land use plans, policies, controls: in the list of necessary approvals, indicate application dates for all permits and approvals not yet processed.
8. Probable impacts: discuss direct indirect and cumulative effects of *all* projects that are geographically related to the proposed project.

Final EIS:

4. Response letters: Responses must be made directly to writers of comment letters and reproduced in the Comments/Responses section.
5. Responses to comments: Verbatim changes to the DEIS text must be included in response letters; and
6. Changes to text: Any changes to the text must be easily distinguishable. New text can be listed in italics following the original text, or printed side by side, next to the original text. Language changes in the FEIS should be identical to those listed in response letters. Commenters need not, therefore, be sent a copy of the FEIS.



2077438084

APPENDICES

Appendix A

ENVIRONMENTAL POLICY LAWS

A brief explanation of Hawaii's environmental review laws and rules are presented here:

A. Environmental Impact Statements, Chapter 343, Hawaii Revised Statutes

Adopted in 1974, and patterned after the National Environmental Policy Act, Chapter 343 provides the statutory basis for developing and processing environmental assessments and environmental impact statements. This "EIS Law" requires that systematic consideration be given to the environmental and social consequences (in addition to the economic consequences) of proposed state, county, or private actions. OEQC is mandated to implement the provisions of Chapter 343, HRS.

B. Environmental Impact Statement Rules, Title 11, Chapter 200, Hawaii Administrative Rules, Department of Health

The administrative rules implementing Chapter 343, HRS, are contained in Title 11, Chapter 200. Chapter 200 prescribes whom the law applies to, how it is implemented, and what the specific requirements are, in a step-by-step format. These rules provide agencies and applicants with procedures, specifications, contents and criteria relating to environmental assessments and environmental impact statements.

C. Environmental Policy Act, Chapter 344, Hawaii Revised Statutes

Also adopted in 1974, Chapter 344 established Hawaii's State Environmental Policy to encourage the conservation of its natural resources and the enhancement of its quality of life. Specific policy guidelines are set forth in the law for implementation by state and county agencies in their planning and decision making.

D. Environmental Quality Control Act, Chapter 341, Hawaii Revised Statutes

Adopted in 1970, Chapter 341 created three new entities within the structure of state government to stimulate, expand, and coordinate efforts to maintain the quality of Hawaii's environment:

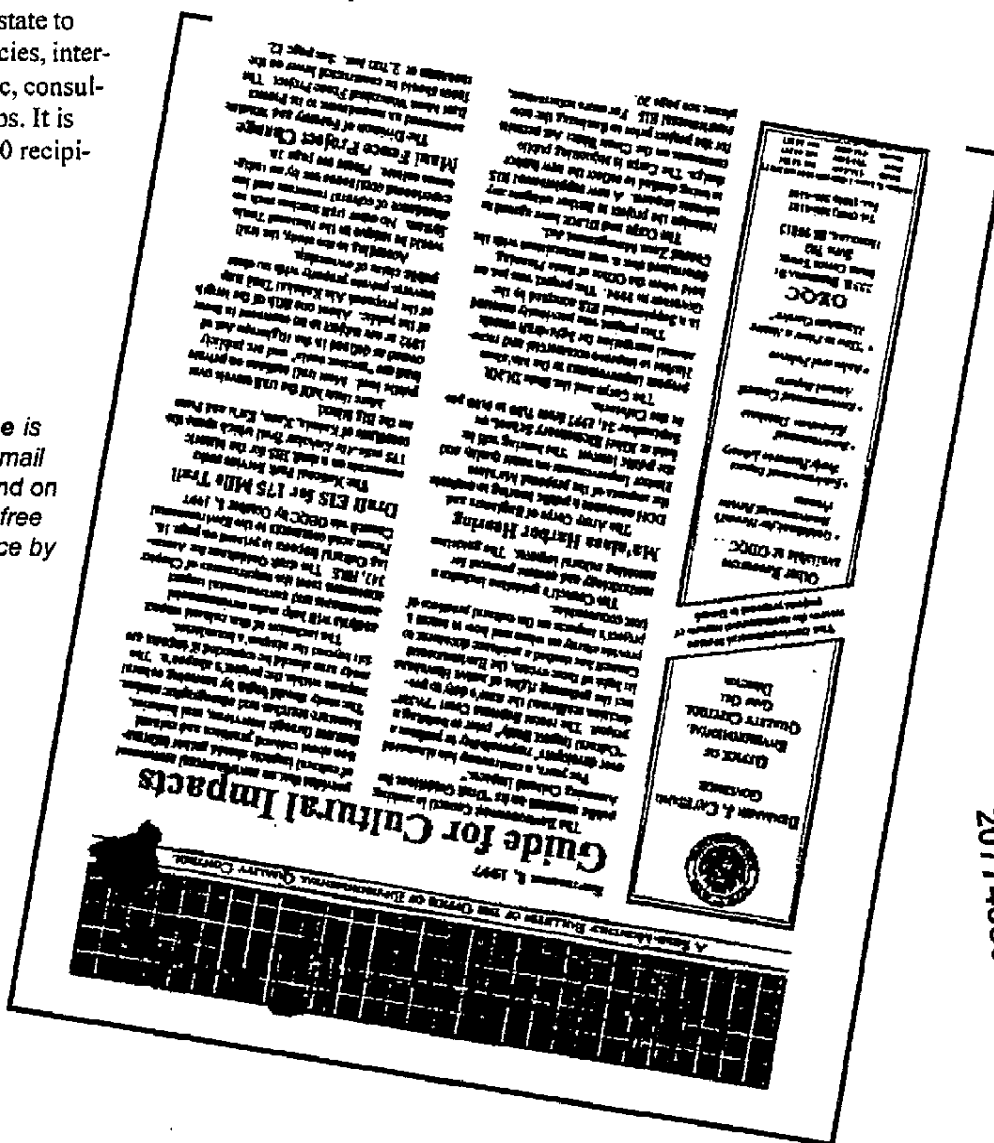
1. **The Environmental Center** of the University of Hawaii functions to stimulate, expand, and coordinate education, research, and service efforts of the University relating to ecology, natural resources, and environmental quality. The Environmental Center also reviews environmental assessments and impact statements and submits comments and suggestions when appropriate during the environmental review process.

2. **The Environmental Council** is comprised of 15 members appointed by the governor and confirmed by the legislature for a term of four years. The Council is responsible for the adoption, amendment and repeal of rules under Chapter 343. The council also hears appeals from applicants who wish to challenge the nonacceptance of an EIS. The Council serves as a liaison between the director of OEQC and the general public by soliciting information, opinions, complaints and recommendations concerning ecology and environmental quality. Monitoring agency progress in meeting state environmental goals and policies and publishing an annual report, with recommendations for enhancing the quality of Hawaii's environment, are part of the Environmental Council's duties.

3. The Office of Environmental Quality Control (OEQC) serves in an advisory capacity to the Governor on all matters relating to environmental quality control and is responsible for implementing various portions of Chapter 343. Under Chapter 341, the Director of OEQC is also responsible for directing the attention of the university community and the general public to environmental and ecological issues by funding research projects and providing environmental education; proposing and encouraging legislation to preserve and protect environmental resources; recommending long-range environmental programs; and offering advice to private citizens and governmental agencies on matters relating to environmental quality control. OEQC reviews all documents pursuant to the EIS process and informs the public of proposed actions through a semimonthly publication known as *The Environmental Notice*.

4. The OEQC bulletin, *The Environmental Notice*, lists the availability of Draft Environmental Assessments, Findings of No Significant Impact, Environmental Impact Statement Preparation Notices, Draft and Final Environmental Impact Statements and notices of acceptance. As a courtesy, it also lists announcements of environmental concern from other agencies. *The Environmental Notice* is published on the 8th and the 23rd of each month and is distributed throughout the state to libraries, government agencies, interested members of the public, consultants and community groups. It is currently sent to about 1000 recipients.

The Environmental Notice is available through the U.S. mail service, via fax or e-mail and on the internet. It is provided free of charge as a public service by the State of Hawaii.



2077438087

Appendix B

RECENT CHANGES TO THE EIS RULES

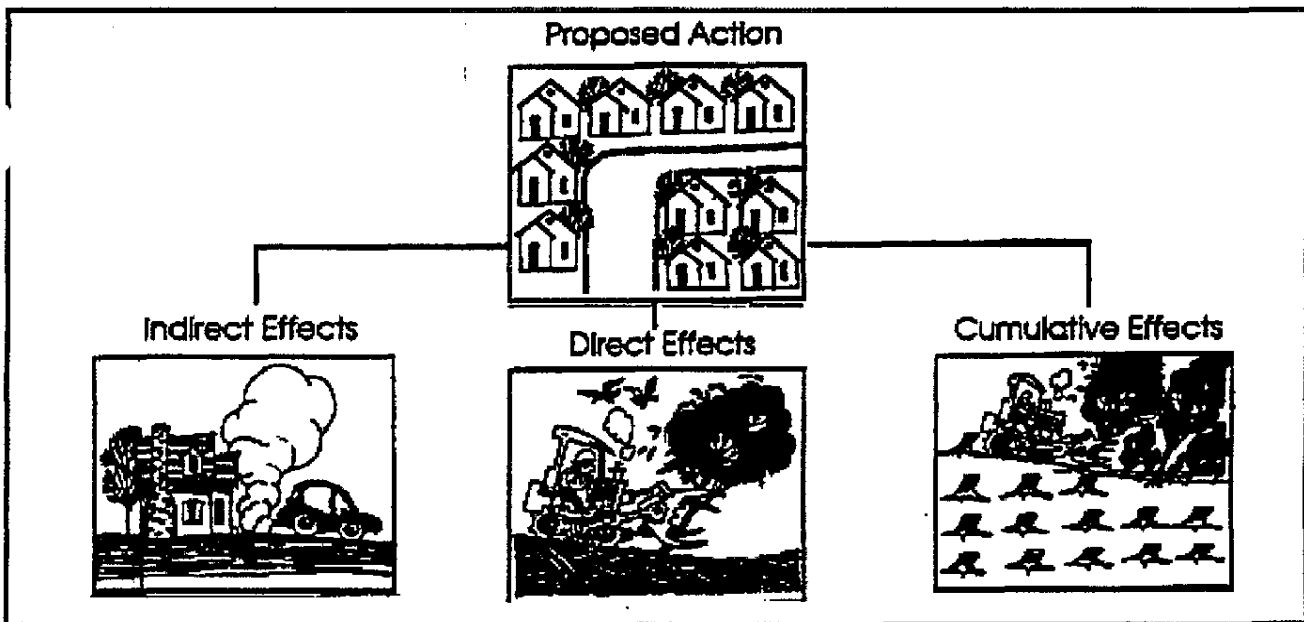
In August 1996 new rules for the environmental impact statement law were approved by the Governor. The following are highlights of the changes. Some of these provisions were already in practice prior to updating the rules.

New Definitions

“Cumulative impact” means the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

“Primary impact” or “primary effect,” or “direct impact” or “direct effect,” means effects which are caused by the action and occur at the same time and place.

“Secondary impact” or “secondary effect,” or “indirect impact” or “indirect effect,” means effects which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.



Clarification of the County General Plan Trigger

An environmental assessment shall be prepared for any proposed amendment to existing county general plans, however denominated, which may include but not be limited to development plans, or community plans, where the amendment would result in designations other than agriculture, conservation, or preservation. (Actions by a county initiating a comprehensive review toward effectuating either a general plan or amendment thereof may be excepted. General plan amendments requested by a private owner or developer outside of the comprehensive review process are not excepted.)

2077438088

Exemptions

Agencies declaring an action exempt under this section shall obtain the advice of other outside agencies or individuals having jurisdiction or expertise as to the propriety of the exemption.

Each agency shall maintain records of actions that it has found to be exempt from the requirements for preparation of an environmental assessment in chapter 343, HRS, and each agency shall produce the records for review upon request.

Draft Environmental Assessment (DEA) Preparation

The agency or applicant shall seek, at the earliest practicable time, the advice and input of the county agency responsible for implementing the county's general plan for each county in which the proposed action is to occur, and consult with other agencies having jurisdiction or expertise as well as those citizen groups and individuals that the proposing agency reasonably believes to be affected.

DEA Distribution

The agency or applicant shall distribute the draft environmental assessment to other agencies having jurisdiction or expertise as well as citizen groups and individuals that the proposing agency reasonably believes to be affected.

The agency or applicant shall deposit one copy of the draft environmental assessment at the nearest state library in each county in which the proposed action is to occur.

EA Content

The environmental assessment must include a list of all permits and approvals (state, federal, county) required.

Notice of Determination

The notice of determination shall indicate in a concise manner:

- (1) Identification of applicant or proposing agency;
- (2) Identification of accepting authority;
- (3) Brief description of proposed action;
- (4) Determination;
- (5) Reasons supporting determination; and
- (6) Name, address, and phone number of contact person for further information.

New and Amended Significance Criteria

- #11. Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.
- #12. Substantially affects scenic vistas and viewplanes identified in county or state plans or studies.
- #13. Requires substantial energy consumption.

Final EIS

The text of the final EIS that shall be written in a format that allows the reader to easily distinguish changes made to the text of the draft EIS.

Appendix C

EXEMPTIONS

Excerpted from Hawaii Administrative Rules, Title 11, Chapter 200 (Environmental Impact Statement Rules)

§11-200-8 Exempt classes of actions

Exempt classes of action.

(a) Chapter 343, HRS, states that a list of classes of actions shall be drawn up which, because they will probably have minimal or no significant effect on the environment, may be declared exempt by the proposing agency or approving agency from the preparation of an environmental assessment provided that agencies declaring an action exempt under this section shall obtain the advice of other outside agencies or individuals having jurisdiction or expertise as to the propriety of the exemption. Actions declared exempt from the preparation of an environmental assessment under this section are not exempt from complying with any other applicable statute or rule. The following list represents exempt classes of action:

- (1) Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing;
- (2) Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced;
- (3) Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to:
 - (A) Single-family residences less than 3,500 square feet not in conjunction with the building of two or more such units;
 - (B) Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;
 - (C) Stores, offices, and restaurants designed for total occupant load of 20 persons or less per structure, if not in conjunction with the building of two or more such structures; and
 - (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements;
- (4) Minor alterations in the conditions of land, water, or vegetation;
- (5) Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource;
- (6) Construction or placement of minor structures accessory to existing facilities;
- (7) Interior alterations involving things such as partitions, plumbing, and electrical conveyances;
- (8) Demolition of structures, except those structures located on any historic site as designated in the national register or Hawaii register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. §470, as amended, or chapter 6E, HRS;

- (9) Zoning variances except shoreline setback variances; and
- (10) Continuing administrative activities including, but not limited to purchase of supplies and personnel-related actions.

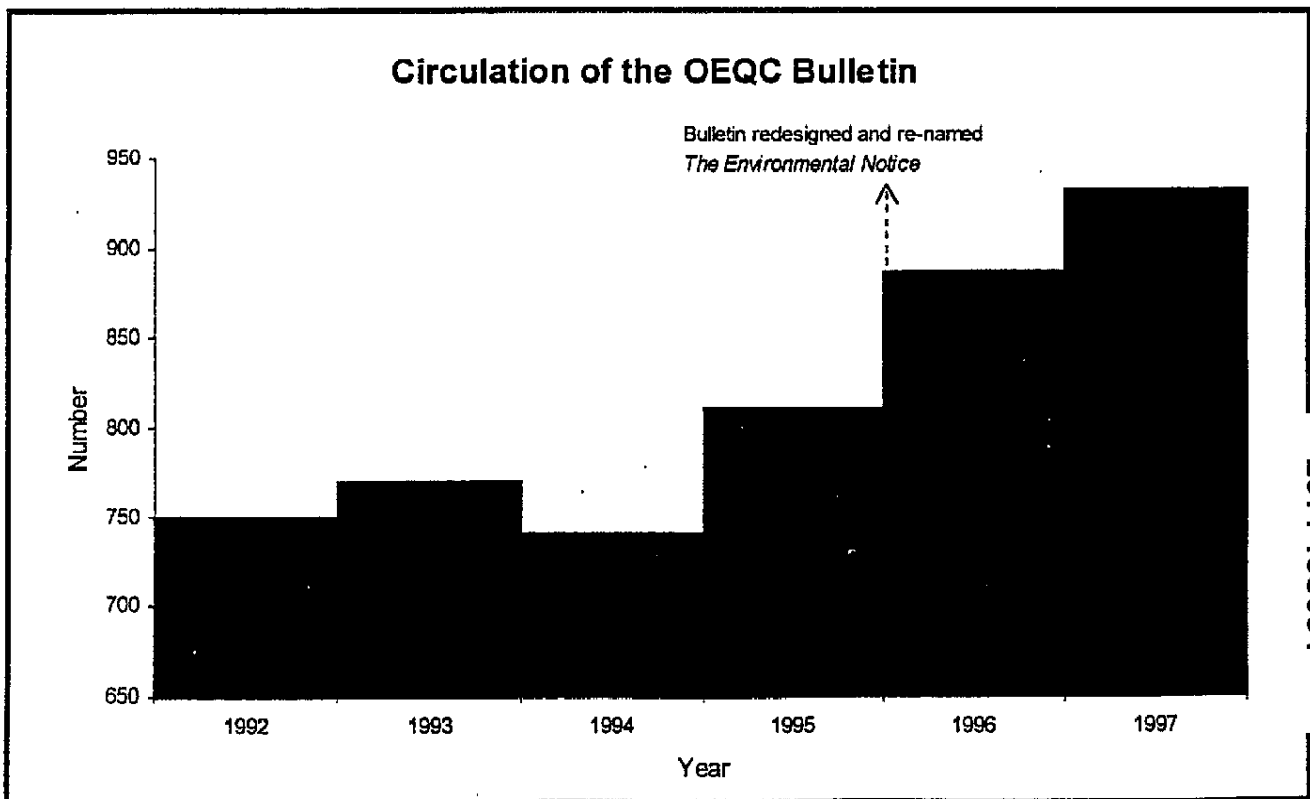
(a) All exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.

(b) Any agency, at any time, may request that a new exemption class be added, or that an existing one be amended or deleted. The request shall be submitted to the council, in writing, and contain detailed information to support the request as set forth in section 11-201-16, Environmental Council rules.

(c) Each agency, through time and experience, shall develop its own list of specific types of actions which fall within the exempt classes, as long as these lists are consistent with both the letter and intent expressed in these exempt classes and Chapter 343, HRS. These lists and any amendments to the lists shall be submitted to the council for review and concurrence. The lists shall be reviewed periodically by the council.

(d) Each agency shall maintain records of actions which it has found to be exempt from the requirements for preparation of an environmental assessment in Chapter 343, HRS, and each agency shall produce the records for review upon request.

(e) In the event the governor declares a state of emergency, the governor may exempt any affected program or action from complying with this chapter.



2077438091

Appendix D

RELATED ENVIRONMENTAL LAWS

A. National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) became federal law in 1970. It is our country's basic charter for protection of the environment. It provides national policy, a framework for federal agencies to review environmental impacts prior to taking actions, and established the Council on Environmental Quality. A proposed project or action that includes the use of federal lands or funds may require preparation of a federal EIS.

When an action is subject to both NEPA and the State EIS law, the proposing applicant or agency must notify the responsible federal agency, OEQC, and any agency with an interest in the action. OEQC and state and federal agencies must cooperate to the fullest extent possible to reduce duplication of the requirements. This cooperation must include, to the fullest extent possible, joint EIS's, concurrent public review, and concurrent processing. Where there are additional federal requirements, OEQC and state agencies must cooperate in fulfilling them so that one document complies with all applicable laws.

The Final EIS must first be accepted by the governor or the mayor of the respective county, or an authorized representative; the EIS shall then be submitted to the appropriate federal agency. (See HAR §11-200-25)

B. Section 4(f) of the Federal Department of Transportation Act of 1966

Proposed roadways involving federal funding near such resources as parks, recreational areas, wildlife refuges, historic sites, historic bridges and highways, archaeological resources, school playgrounds, recreational trails and bikeways, can trigger a form of federal environmental review known as a 4(f) review. Distinct and separate from NEPA and Chapter 343, HRS, "4(f)" is short for Section 4(f) of the Department of Transportation Act of 1966. The 4(f) process involves preparation of documents which describe the proposed action, its need, the 4(f) resource, the present alternatives (including avoidance), the impacts, a discussion of mitigation measures, and a summary of coordination activities. A 4(f) review is required if a proposed roadway will "constructively use" any of the above resources.

The Honolulu Office of the Federal Highway Administration should be contacted to determine the applicability of a federal 4(f) document for any proposed roadway which involves federal funding and is situated close to any of the above areas or resources.

C. Army Corps of Engineers

Section 10 of the Rivers and Harbors Act of 1899 prohibits unauthorized construction in navigable waters of the United States without permit from the Corps of Engineers.

Section 404 of the Clean Water Act (33 USC 1344) prohibits the discharge of dredged or fill material into waters of the United States without a permit from the Corps of Engineers.

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 prohibits transportation of dredged material for the purpose of dumping it into ocean waters without permit from the Army Corps of Engineers.

Any person, firm or agency (including federal, state and local governmental agencies) planning to do work in the waters of the United States must obtain a permit from the U. S. Army Corps of Engineers.

2077438092

Waters of the United States include ocean waters; coastal and inland waters, lakes, rivers, and streams that are navigable, including adjacent wetlands; tributaries to navigable waters, including adjacent wetlands (isolated wetlands); fishponds connected to navigable waters; all other U.S. waters, such as lakes, rivers and streams that are not interstate waters of tributaries to navigable waters of the U. S. impoundments, perched wetlands and intermittent streams, where the District Engineer determines that regulation is required to protect interstate commerce and the aquatic environment.

Marshes, estuaries, swamps, inland and coastal shallows, certain unique pond systems, and other areas associated with coastal and inland U.S. waters are considered wetlands.

The following types of activities in U.S. waters and wetlands may require a permit: construction of piers, wharves, bulkheads, pilings, marinas, docks, ramps, floats, mooring buoys and like structures; construction of wires and cables over the water and pipes, cables or tunnels under the water; dredging and excavation; any obstruction or alteration of navigable waters; depositing fill and dredged material; filling of wetlands adjacent or contiguous to waters of the U.S.; construction of riprap, revetments, groins, breakwaters and levees; and transportation of dredged material for dumping into ocean waters.

D. Hawaii Coastal Zone Management (Chapter 205A, HRS)

The CZM objectives and policies are administered by the State Office of Planning, which is part of the Department of Business, Economic Development and Tourism. Chapter 205A, HRS, mandates each county to establish special management areas (SMAs), and shoreline setbacks, within which permits are required for development. The shoreline setback is generally 40 feet from the high-water line. However, under certain circumstances, the county can extend the setback or minimize it to as little as 20 feet. On the Neighbor Islands, the Planning Commission has the authority over SMA permits and shoreline setback variances. On Oahu the authority rests with the City Council. Administrative support is provided by the respective county planning departments or, on Oahu, by the Department of Land Utilization.

Section 205A-26(2)(A) provides the guidelines used to review development in the SMAs. Only those that will not have any substantial adverse environmental or ecological effects may be approved, except when these adverse effects are minimized to the extent practicable and are clearly outweighed by public health, safety, or compelling public interests.

All four counties permit an accepted EIS as part of the information needed to apply for an SMA permit. On Oahu, the city requires an environmental review following State HRS 343 procedures prior to granting an SMA permit.

E. State Department of Health Environmental Laws and Administrative Rules

The following is a brief summary of environmental laws, associated administrative rules, and related federal laws administered by the State Department of Health.

1. Environmental Response Law (HRS 128D)

This law establishes an environmental response revolving fund from which the Department of Health (DOH) may draw upon for response actions, including removal and remedial actions, when there has been a release of hazardous materials on the sea or land. It also gives the DOH authority to order responsible parties to respond to and remediate releases of hazardous materials. Funds may also be used to support county used oil recycling programs and to address concerns related to underground storage tanks and drinking water.

2077438093

Rules Promulgated under This Statute: Chapter 11-451, "State Contingency Plan."

2. Department of Health (HRS 321)

This statute gives the Department of Health broad authority to adopt most of its rules, especially those dealing with public health and safety.

Rules Promulgated under This Statute:

- a. Chapter 11-5, "Environmentally-Related Illness and Injury Reporting"
- b. Chapter 11-62, "Wastewater Systems"

3. Litter Control (HRS 339)

Enables the Director of Health to establish a litter control program, by the establishment of rules, by encouraging volunteer local anti-litter campaigns, and by conducting educational programs intended to instill the anti-litter ethic. Rules Promulgated Under This Statute: Chapter 11-68, "Litter Control."

Federal Law: Solid Waste Disposal Act

4. Solid Waste (HRS 340A)

This is known as the "H-POWER" law. It set up certain requirements that enabled each county to establish resource recovery facilities.

5. Certification of Cesspool Pumping Firms and Personnel in Wastewater Plants (HRS 340B)

Establishes a board, upon whose recommendation the Director of Health certifies private cesspool pumping firms and operating personnel in wastewater treatment plants. This statute also enables rules to be promulgated for certification purposes.

Rules Promulgated under This Statute: Chapter 11-61, "Mandatory Certification of Operating Personnel in Wastewater Treatment Facilities."

Federal Law: Water Pollution Control Act

6. Safe Drinking Water (HRS 340E)

Enables the Director of Health to promulgate drinking water standards and regulations that will protect human health and welfare to the extent feasible, using technology, treatment techniques, and other means which are generally available, taking cost into consideration.

Also enables the Director of Health to establish an underground injection control program to control the injection of contaminants into an underground source of drinking water.

Rules Promulgated under This Statute:

- a. Chapter 11-19, "Emergency Plan For Safe Drinking Water."
- b. Chapter 11-20, "Rules Relating to Potable Water Systems."
- c. Chapter 11-21, "Cross-Connection and Backflow Control."
- d. Chapter 11-23, "Underground Injection Control."

Federal Law: Safe Drinking Water Act

2077438094

7. Mandatory Certification of Operating Personnel in Water Treatment Plants (HRS 340F)

Sets up a classification system for all water treatment plants and a certification system for qualified individuals to operate water treatment plants. Establishes a Board of Certification which is placed, for administrative purposes, in the Department of Health (DOH).

Rules Promulgated under This Statute: Chapter 11-25, "Rules Relating to Certification of Operating Personnel in Water Treatment Plants."

Federal Law: Safe Drinking Water Act

8. Air Pollution Control (HRS 342B)

Enables the Director of Health to establish an air pollution control program to minimize the presence (in the outdoor air) of substances that may endanger human health or welfare, plant or animal life, or property throughout the state. This program includes rules, standards, and permits.

Rules Promulgated under This Statute:

- a. Chapter 11-59, "Ambient Air Quality Standards."
- b. Chapter 11-60.1, "Air Pollution Control."

Federal Law: Clean Air Act

9. HRS, Chapter 342C, Ozone Layer Protection

This statute was passed for the purpose of controlling the use of the ozone-depleting compounds, chlorofluorocarbons (CFCs) and halons. This statute bans the sale of any CFC refrigerant suitable for use in air conditioners or mobile air conditioners in containers that are smaller than 15 pounds net. The statute also bans any portable fire extinguisher that contains a halon or other ozone-depleting compound.

10. HRS, Chapter 342D, Water Pollution

Enables the Director of Health to establish a water pollution control program to prevent contamination of the physical, chemical, or biological properties of any state waters, including change in temperature, taste, color, turbidity, or odor through the use of rules, standards, and permit systems. It prohibits water pollution and requires self-reporting of violations. It also established the State Revolving Fund (SRF). This statute also enables the director to establish a wastewater control program to control the disposal and treatment of liquid wastes, including domestic sewage.

Rules Promulgated under This Statute:

- a. Chapter 11-54, "Water Quality Standards."
- b. Chapter 11-55, "Water Pollution Control."
- c. Chapter 11-62, "Wastewater Systems."
- d. Chapter 11-65, "Water Pollution Control Revolving Fund."

Federal Law: Water Pollution Control Act

2077438095

11. HRS, Chapter 342E, Polluted Runoff Management and Control

Enables the Director of Health to establish a program to prevent the runoff of polluted water (nonpoint source pollution) from reaching our lakes, streams, and coastal waters, especially after heavy rains. The program covers runoff from all land, including agricultural and urban.

Federal Law:

- a. Coastal Zone Act Reauthorization Amendments.
- b. Water Pollution Control Act.

12. HRS, Chapter 342F, Noise Pollution

Enables the Director of Health to establish a statewide program to prevent "excessive noise" from both vehicular sources and stationary sources, such as agricultural equipment, construction equipment, and industrial activities. This is accomplished by the establishment of maximum permissible sound levels, statewide rules, and a permit system.

Rules Promulgated Under This Statute:

- a. Chapter 11-42, "Vehicular Noise Control For Oahu."
- b. Chapter 11-46, "Community Noise Control."

13. HRS, Chapter 342G, Integrated Solid Waste Management

Established the Office of Solid Waste Management within the DOH. Established statewide goals to reduce solid waste by 25% by January 1, 1995, and 50% by January 1, 2000, through source reduction, recycling, and bioconversion. Mandated that the state and each county prepare a solid waste management plan. Set a policy for all county and state agencies to give preference to the purchase of products made from recycled materials. Mandated the establishment of an office paper recovery program for all state and county agencies.

Federal Law: Solid Waste Disposal Act

14. HRS, Chapter 342H, Solid Waste Pollution

Enables the Director to prevent, control, and abate solid waste pollution in the state through the promulgation of rules and a permit system. The rules establish minimum standards governing the design, construction, installation, operation, and maintenance of solid waste disposal, recycling, reclamation, and transfer systems.

Rules Promulgated under Chapter 11-58.1, "Solid Waste Management Control."

Federal Law: Solid Waste Disposal Act

15. HRS, Chapter 342I, Special Wastes Recycling

Requires the recycling of used lead-acid batteries and used motor vehicle tires. It also describes the procedures to carry out this recycling.

Federal Law: Solid Waste Disposal Act

2077438096

16. HRS, Chapter 342J, Hazardous Waste

Enables the Director to establish a program to manage hazardous waste, including the systematic control over the generation, collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

This program gives priority to: 1) the provision of technical assistance to generators, 2) the establishment of a public education program, 3) the promotion of hazardous waste minimization, reduction, recycling, exchange, and treatment as the preferred methods of managing hazardous waste.

Rules under This Statute: Chapters 11-260 to 266, 11-268, 11-270 to 271, 11-279 to 280, "Hazardous Waste."

Federal Law: Solid Waste Disposal Act

17. HRS, Chapter 342L, Underground Storage Tanks

Enables the Director to establish a program to regulate underground storage tanks and those regulated substances (including petroleum products) that are stored in such tanks, in order to prevent the contamination of soil and groundwater from leaking tanks. This program regulates the installation and removal of underground storage tanks and the cleanup of contaminated soil and groundwater.

Rules Being Proposed under This Statute: Chapter 11-64, "Underground Storage Tanks."

Federal Law: Solid Waste Disposal Act

18. HRS, Chapter 342N, Used Oil Transport, Recycling, and Disposal

Enables the Director to establish a program to promote and regulate the transportation, recycling, and disposal of used oil through the use of rules, a permit system, and mandatory record keeping, sampling, and testing requirements.

19. HRS, Chapter 342P, Asbestos

Enables the Director to establish a program to control and prevent asbestos pollution and to regulate asbestos abatement activities by: 1) Establishing emission standards, including an indoor, nonoccupational exposure standard; 2) Establishing a model accreditation program; and 3) Establishing standards and notification requirements for the demolition and renovation of facilities containing asbestos.

Rules Being Proposed under This Statute:

- a. Chapter 11-501, "Asbestos Requirements."
- b. Chapter 11-502, "Asbestos Containing Materials in Schools."
- c. Chapter 11-503, "Fees For Asbestos Removal."
- d. Chapter 11-504, "Asbestos Abatement Certification Program."

Federal Laws:

- a. Clean Air Act
- b. Toxic Substance Control Act, Subchapter II, "Asbestos Hazard Emergency Response Act (AHERA)."
- c. Toxic Substance Control Act, Subchapter II, AHERA, Model Accreditation Plan.

2077438097

F. Conservation District Use Permit

For land uses in the Conservation District a permit is required for the placement of any solid material on the land if that material remains on the land for more than 14 days or if it causes a permanent change in the land area. A permit is also required for grading, removing, harvesting, dredging, mining or extraction of any material or any natural resource on the land. A permit is required for a subdivision of the land. A permit is required for construction, reconstruction, demolition or alteration of any structure, building or facility on the land.

Permit types:

- a. Board permits (Board of Land and Natural Resources, BLNR): for major uses of the land;
- b. Departmental permits: for other more minor land uses.
(Permits a. and b. above, must be processed within 180 days from the date of acceptance of the application by the department.)
- c. Site plan approval: for small additions, alterations, certain types of research and other ancillary uses.

G. Land Use Law (HRS 205)

This law is administered by the Land Use Commission, which is a part of the Department of Business, Economic Development and Tourism. This law places all lands in the state into four districts: Urban, Agricultural, Rural, and Conservation. The commission processes petitions for district boundary changes over 15 acres for non-Conservation districts. All changes to the Conservation District boundaries must be approved by the commission.

The Land Use Commission also processes special permits within the Agricultural and Rural Districts for areas greater than 15 acres, and district boundary interpretations. In its district boundary amendment process, the commission considers whether the proposed boundary change conforms to the Hawaii State Plan, commission district standards and various areas of state concern.

H. Other Laws related to Land and Water Use

HRS 174C The state Commission on Water Resource Management (the water commission governs the withdrawal of ground water in designated parts of Hawaii as well as alterations to streams.

HRS 6E The Historic Preservation Division of DLNR reviews any project that may affect a historic property. Any development that effects a structure more than 50 years old or listed on the Hawaii State Register of Historic Places must receive the division's concurrence. The division also controls the handling of burial sites.

HRS 195D The state endangered species law controls human interaction with threatened or endangered plant and animal species.

2077438098

Appendix E

LITIGATION/TIME LIMITATIONS

For the purpose of bringing judicial action under the EIS law, a person or agency is determined by the courts to be an "aggrieved party." This may be an applicant, an affected agency, the Environmental Council, or persons who provided written comments during the consultation or review periods of the environmental review process.

If, as an "aggrieved party," you wish to challenge a determination made during the environmental review process, you must do so by filing suit in Circuit Court within specific time limitations.

If you wish to litigate, you may consider the resources of public interest law firms, environmental groups with legal resources and private lawyers acting *pro bono publico* (for the public good).

As an aggrieved party, you can initiate judicial proceedings to challenge any of the following actions in the environmental review process:

1. Lack of Assessment

If a proposed action applicable to the EIS law is undertaken or initiated without an environmental assessment or a formal determination on the requirement of an EIS, an aggrieved party has 120 days from the time the action was initiated to file suit in Circuit Court.

2. Finding of No Significant Impact (FONSI)

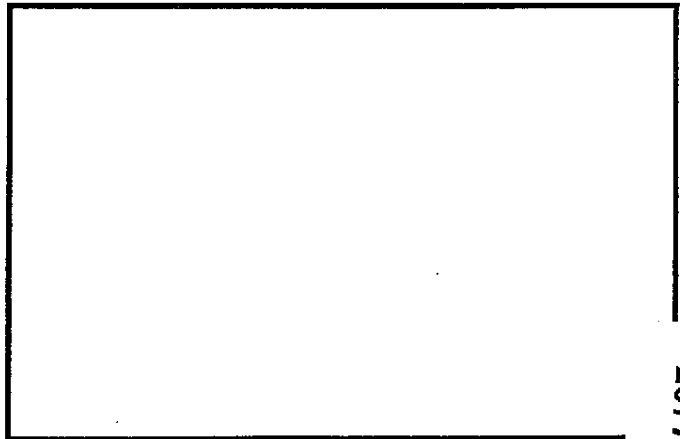
If an agency determines that an EIS is not required, an aggrieved party has 30 days from the date of publication of the FONSI in the OEQC Bulletin to file suit in Circuit Court.

3. EIS Preparation Notices

If an agency decides that an EIS is required, an aggrieved party has 60 days from the date of publication of the EIS Preparation Notice in the OEQC Bulletin to file suit in Circuit Court.

4. Acceptance of EIS

If an aggrieved party wishes to challenge the acceptance of an EIS, it has 60 days from the date of publication of the Notice of Acceptance in the OEQC Bulletin to file suit in Circuit Court.



2077438099

Appendix F

AGENCY DESCRIPTIONS

This appendix lists federal, state and county agencies that may be consulted during the preparation of an environmental review document.

Federal Agencies

U.S. Army Corps of Engineers

A Department of the Army permit from the U.S. Army Corps of Engineers, Honolulu Engineer District, may be required for structures, work, or any discharge of dredged or fill material in U.S. waters, and the transportation of dredged material by vessel for purposes of dumping in ocean waters. These waters include, among others, ocean waters; coastal and inland waters, lakes, rivers, and streams that are navigable waters of the United States, including adjacent wetlands, tributaries and fishponds connected to navigable waters; and all other waters where the District Engineer determines that regulation is required to protect interstate commerce and the aquatic environment. Marshes, estuaries, swamps, inland and coastal shallows, certain unique pond systems, and other areas associated with coastal and inland U.S. waters are considered wetlands.

U. S. Coast Guard, Shore Maintenance Detachment

The Coast Guard is the primary federal agency responsible for marine environmental protection on navigable waters of the United States, the contiguous zone and the high seas. Its overall objective is to maintain or improve the quality of the marine environment and to respond to environmental contaminants in the coastal area. In addition to the Coast Guard's well-known search-and-rescue mission, district vessels and aircraft also provide a wide range of services including the enforcement of the Fisheries Conservation and Management Act which establishes controlled fishing areas within 200 miles of U.S. shores. In the Pacific Basin, Coast Guard vessels and aircraft not only patrol the waters around the Hawaiian Islands, but also Guam, Northern Mariana Islands, American Samoa, and other U.S. territories in the Pacific. Two high-endurance cutters also patrol the rich fishing grounds off the coast of Alaska. The Coast Guard is also the leading federal agency charged with the prevention of oil pollution of our waters. If an oil spill should occur, the Coast Guard coordinates cleanup efforts.

U.S. Environmental Protection Agency (EPA)

The Environmental Protection Agency's mission is to protect human health and the environment. The agency implements federal laws designed to protect the environment and is responsible for the administration of 10 comprehensive environmental protection laws: the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act, the Resource Conservation and Recovery Act, the Federal Insecticide, Fungicide, and Rodenticide Act, the Toxic Substances Control Act, the Marine Protection, Research, and Sanctuaries Act, the Uranium Mill Tailings Radiation Control Act, and the Asbestos Hazard Emergency Response Act. The EPA also registers pesticides and regulates their use; sets tolerance levels for pesticides in food; sets environmental radiation protection standards; and sets standards for drinking water. EPA's priority programs include proper disposal of hazardous waste and toxic substances (e.g., asbestos and polychlorinated biphenyls); underground petroleum and chemical storage tanks; and the Title III program (Emergency Planning and Community Right-To-Know) which requires the state and local governments to develop plans to respond to chemical spills and emergencies.

2077438100

The U.S. EPA Pacific Islands Contact Office (PICO) in Honolulu provides information on all EPA program areas. The information includes laws, regulations, guidance, technical manuals and other documents. The office maintains a library of EPA documents for loan along with other general materials. The office also serves as a point of contact with the Region 9 San Francisco office.

U.S. Department of Housing and Urban Development (HUD)

HUD performs environmental assessments on HUD-assisted housing projects and subdivisions and reviews Environmental Impact Statements initiated under the National Environmental Policy Act (NEPA) or Chapter 343, Hawaii Revised Statutes, when requested. HUD also monitors Community Development Block Grant grantees for their compliance with the National Environmental Policy Act, HUD standards, and other federal authorities.

U.S. Department of Agriculture, Natural Resources Conservation Service

The Natural Resources Conservation Service (NRCS) develops and carries out a national soil and water conservation program through more than 2,925 local conservation districts with more than 2.3 million cooperating landowners and operators. With the help of its cooperators, SCS inventories and assesses soil, water, and plant resources, and plans and applies conservation practices to reduce soil erosion as well as maintain the land's productivity.

U.S. Department of the Interior, U.S. Fish and Wildlife Service, Ecological Services

The Service is responsible for the administration of the Endangered Species Act and activities covered under the Land and Water Resources Development Planning Program. These include: listing of endangered species; preparation of endangered species recovery plans; informal/formal consultation under Section 7 of the Endangered Species Act; review of federal, state, and local permits and license applications, environmental assessments and impact statements, general plans and land use amendments, clearinghouse reviews, geothermal, OTEC, and hydropower proposals, water quality certification, federal agency consistency certification reviews under Coastal Zone Management, protection of wetland habitats under the Farm Bill, environmental contaminant review of all projects, specific contaminant investigations, and Natural Resource Damage Assessments; providing technical assistance to government agencies regarding fish and wildlife resource study methods and design (including Instream Flow Incremental Methodology).

U.S. Geological Survey, Biological Resources Division, Pacific Island Ecosystems Research Center

PIERC provides objective research, baseline information, and technical assistance relating to conservation of indigenous biological resources occurring within the cultural, sociological, political and environmental environs of all lands and islands under U.S. jurisdiction in the Pacific Basin. PIERC research results in the development of management and recovery strategies aimed at conserving biota and island ecosystems. Hawaii is the major research area because it is known as the "endangered species capital" of the U. S., home to 26% (267) of endemic plant species and 75% (30) of endemic bird species on the endangered list. New research has begun on invertebrate and aquatic species.

State Agencies

Department of Land and Natural Resources, Land Division

2077438101

Planning Branch

The Department of Land and Natural Resources is responsible for all conservation-zoned lands in the state. The Planning Branch administers the Conservation District Use Application (CDUA) process, coordinates environmental reviews, and assists in the development of natural resources management programs on behalf of the Department.

Engineering Division

This division administers the state's programs in water resource management, mineral resources assessment, flood prevention and control, and water development.

Land Management Division

This division is directly responsible for state-owned lands that are not set aside for use by other government agencies and makes these lands available to the public through fee sales, leases, licenses, grants of easement, rights-of-entry, month-to-month tenancies or as open space areas. The division also maintains a comprehensive inventory of all state-owned lands, serves as an office of record and maintains a central repository of all government documents dating back to the Great Mahele of 1848.

Department of Land and Natural Resources, Aquatic Resources Division

The division provides for pelagic, reef, and inshore aquatic resources protection and enhancement programs. Its functions include conducting underwater surveys to manage areas designated as sanctuaries or for fisheries management, informing the public about aquatic resources protection, management and enhancement programs, investigating fish kills in coordination with the Department of Health, and coordinating and disseminating information relative to aquatic resources concerns.

Department of Land and Natural Resources, Forestry & Wildlife Division

This division is responsible for wild-land recreational programs on forest reserves, public hunting areas, wildlife sanctuaries; commercial forestry on state lands; endangered species protection and management; and providing informational materials on natural resources.

Department of Transportation, Statewide Transportation Planning Office (STPO)

The STPO is responsible for establishing a comprehensive, multi-modal statewide transportation planning process; for developing a balanced, multi-modal statewide transportation plan; and for providing technical assistance to the counties in fulfilling their component roles in the process.

The STP Office coordinates intergovernmental, and intra- and inter-departmental activities related to transportation planning. This includes securing the necessary endorsements and approvals, integrating established plans and parameters, and establishing the ground work for the implementation of the transportation plan. The latter involves intergovernmental agreements on systems and jurisdictional designation; recommending conditions of land use development for exactions and to reserve required rights-of-way; and providing the necessary technical support and data and transition the project from conceptual planning to project development.

Environmental Center (University of Hawaii)

The Environmental Center was established at the University of Hawaii in 1970 by the legislature under the State Environmental Quality Control Act (Hawaii Revised Statutes, Chapter 341). The environmental education function of the center includes advising the University's Liberal Studies Program on appropriate curricula for students seeking BA's in Liberal Studies with environmental emphases or an Environmental Studies Certificate, as well as counseling students in these programs. The center also assists in placing students in environmental internships. The research functions of the center include the organization and coordination of multi-disciplinary environmental research projects, and the management of environmental research projects by the center staff in areas of their special competence. The

2077438102

service functions of the center include the reviews of environmental impact statements, applications for various environmental pollution management permits, proposed environmental legislation and regulations, and various state and federal plans which may have environmental implications for the State of Hawaii. In all of its review and research activities, the center relies on the expertise of various members of the university system for guidance.

Department of Health, Environmental Planning Office

The Environmental Planning Office provides short- and long-term planning services for all programs under the Environmental Health Administration, maintains environmental plans, land use, environmental education, and public information programs for the Department, and functions as a point of contact for the Department of Health.

Hawaii Community Development Authority

HCDA is empowered with comprehensive planning, development, and financing authority to implement a range of programs to revitalize Kakaako. HCDA addresses the range of issues and concerns associated with the redevelopment of a major community which traditionally has been the responsibility of multiple agencies.

It has adopted the Kakaako Community Development District Plan, which regulates both public and private development activities in the revitalization of Kakaako.

Department of Business, Economic Development and Tourism

Land Use Commission

The Land Use Commission is a quasi-judicial body appointed by the Governor to carry out the provisions of the state land use law which places all lands in the state into four districts: Urban, Agricultural, Rural, and Conservation. The commission's primary functions are to process petitions for district boundary changes over 15 acres. For changes to the Conservation District, however, the commission processes petitions for any size area. It also processes special permits within the Agricultural and Rural Districts for areas greater than 15 acres, and district boundary interpretations.

In its district boundary amendment process, the Commission is required by law (Chapter 205, HRS) to consider whether the proposed boundary change conforms to the Hawaii State Plan, the Commission district standards and various areas of state concern.

Office of Planning

a. Coastal Zone Management Program

Coastal Zone Management (CZM) is concerned with creating a balance between environmental and economic concerns. The CZM objectives and policies are binding on all state and county agencies. The CZM program, therefore, studies coastal issues, develops and improves coastal regulatory programs, and monitors state and county agencies' actions to assure consistency and compliance. The program also administers the federal consistency review whenever federal actions can impact the State's coastal zone. A permit information service is provided to help interested people better understand the regulatory systems applicable to land and water uses. For those involved in projects requiring numerous multi-government permits, a consolidated application process is also offered.

b. Land Use Division

The Land Use Division is responsible for implementing the land use policies of the State of Hawaii.

State Historic Preservation Division (Department of Land and Natural Resources)

The State Historic Preservation Division is charged with the implementation of the National Historic Preservation Act of 1966, as amended, and Chapter 6E, Hawaii Revised Statutes. It reviews proposed development and land use projects for any effects they might have on historic properties. It maintains a statewide inventory of properties of historical, architectural or cultural importance and coordinates the Burial Sites Program and Historic Preserves Program. Any unearthing of human remains must be reported to this office.

County Agencies

Department of Land Utilization, City & County of Honolulu

Department of Land Utilization (DLU) processes a wide range of land-use permits and applications including: zoning changes, conditional use permits, shoreline management permits, subdivision applications, variances, state special use permits, planned development and cluster applications, site plan review and special district applications. The department conducts environmental assessments of project proposals which require DLU permits, and administers the Coastal Zone Management Program for the City and County of Honolulu. It advises the Planning Commission and the City Council as required.

Planning Department, City & County of Honolulu

The Planning Department is responsible for preparing and revising the General Plan and Development Plans of the City and County of Honolulu. The General Plan sets forth the objectives and policies for long-range development of the City and County of Honolulu. The Development Plans, covering eight geographical sub-regions, are relatively detailed, parcel-specific schemes for implementing the development objectives and policies of the General Plan. In response to 1992 City Charter amendments to change the Development Plans from relatively detailed schemes to more conceptual plans, the Planning Department began a comprehensive revision program of the Development Plans in 1993. When completed and adopted by the City Council, the Development Plans will be self-contained conceptual plans offering a long-term vision with land-use guidelines and policies on how this vision can be achieved.

Maui Planning Department and Planning Commission

The Maui Planning Department is responsible for virtually all county land-use related permits. This includes the review and processing of General Plan and zoning land-use changes as well as variances, use, and zoning permits. Shoreline setback variances, Special Management Area permits and subdivisions are also its responsibilities.

Kauai Planning Department and Planning Commission

The Kauai Planning Department is responsible for most county land-use related permits involving subdivision, variances, use, zoning, shoreline setback variances, special management area permits. General Plan and zoning changes are processed through the Planning Department and Planning Commission as the recommending bodies with the County Council as the final decision-making authority.

Hawaii Planning Department and Planning Commission

The Planning Department provides technical advice to the mayor, Planning Commission and County Council on all planning and related matters. It serves the public by enforcing the state Land Use Law, administering and enforcing the subdivision and zoning codes of the county, enforcing the shoreline setback variance and special management area requirements, and handling amendments to the county General Plan.

2077438104

Appendix G

GUIDANCE DOCUMENTS

The Office of Environmental Quality Control has published a number of "guidance documents" and "protocols" to clarify various issues relating to the environmental review process. This guidance is neither law nor rule. It is policy. OEQC recommends that these standards be adopted by the writers and accepters of environmental studies. These standards will help assure the completeness and consistency of environmental review documents. They will help project proponents and community reviewers understand the expected level of disclosure and methodology of study on various issues. The guidance documents are updated periodically and new documents may be added to from time to time. Below is a list of guidance documents on file or under development at OEQC. Copies are available at the office.

Shoreline Hardening Policy

The building of seawalls has accelerated the loss of sandy beaches throughout the islands. This policy document describes the beach loss problem and includes a 10-point content protocol for any environmental review of a proposed shoreline hardening project.

Biological Surveys for Native Species

This protocol document describes the content requirements and study methodologies for biological surveys, impact analysis and proposed mitigation measures for proposed projects that may affect rare or endangered species.

Water Well Development

The development of new water wells can affect aquifers and nearby stream flows. This guidance document describes the content and format for information contained in a well development study.

Cultural Impacts

These *Guidelines for Assessing Cultural Impacts* describe the content and study method for preparing ethnographic and cultural studies. These studies may be required as part of an environmental review of a project that could affect traditional or cultural practices.

Guide to State Permits and Approvals

This guide offers a handy road map to the various government permits that are required by particular projects.

Streambank Protection

This article, reprinted from *Urban Land* magazine, describes successful methods of restoring stream banks the natural way to avoid traditional concrete-lined stream channels.

"Green Architecture Checklist"

A building materials and techniques checklist to assist in designing environmentally sensitive structures.

Appendix H

FORMS

This appendix contains forms which you will need for preparing or submitting a Chapter 343 document:

CHECKLISTS:

- Draft and final EA content checklist
- EIS Preparation Notice content checklist
- Draft and final EIS content checklist
- Submission process instruction checklist for Draft & Final EIS

COVER LETTERS:

- OEQC publication form
- Draft and Final EA sample cover letters
- Draft EIS sample cover letter to OEQC
- Draft EIS sample cover letter to participants
- Final EIS sample cover letter to OEQC
- Final EIS sample cover letter to participants

DISTRIBUTION LISTS:

- Mailing lists of agencies & community groups
- Public libraries distribution list
- Draft & final EIS distribution chart

2077438106

Appendix I

Environmental Impact Statement Laws & Rules

CHAPTER 343, HRS
HAR 11-200

2077438107

2077438108

Minnesota

Laws on the Books

Specific references to "cigarette litter" were not detected among Minnesota laws.

Minnesota Statutes Litter Law (Section 609.68): Whoever unlawfully deposits garbage, rubbish, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, shorelands areas adjacent to rivers or streams as defined, public lands, or, without the consent of the owner, private lands or water ice thereon, is guilty of a misdemeanor. The crime of a misdemeanor is imprisonment for not more than 90 days or the payment of a fine of not more than \$700 or both¹.

Pending State Legislative Action

S.F. No. 3164: On February, 11, 1998 legislation was introduced relating to tobacco. The legislation would increase the tobacco tax and reducing taxes on hospitals, surgery centers, providers, and wholesale drug distributors; prohibiting tobacco advertisements and promotions in areas frequented by youth; prohibiting smoking in workplaces; providing that the deposit of partially burned cigarettes is littering; prescribing civil and criminal penalties. The Senate bill was referred to the Committee on Health and Family Security. The Minnesota House introduces a companion bill that was referred to the House Committee on Taxes. No further action has been taken.

Local Legislative Initiatives

No pending local legislative initiatives could be identified in Minnesota.

Key Groups, Programs and Projects

The Chain Lakes Clean Water Partnership: Encourages residents to clean up sand, salt, pet waste, cigarette butts, old leaves and the rest of "winters dirty secrets from driveways and sidewalks"².

Beautiful 'U' Day and Take Pride in 'U': Campaigns to clean up the University of Minnesota and the surrounding area. The campaign was launched in October 1997, 1,000 students and faculty participated³.

¹ Minnesota Statutes, www.revisor.leg.state.mn.us

² web.lexis-nexis.com/requester. 1997 Star Tribune, 03-11-1997

³ Beautiful 'U' A Clean Campus Shows Pride, 10-13-97, web.lexis-nexis.com/requester

Minnesota Statutes 1997, Table of Chapters

Table of contents for Chapter 609

609.68 Unlawful deposit of garbage, litter, or like.

Whoever unlawfully deposits garbage, rubbish, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, shoreland areas adjacent to rivers or streams as defined by section 103F.205, public lands, or, without the consent of the owner, private lands or water or ice thereon, is guilty of a misdemeanor.

HIST: 1963 c 753 art 1 s 609.68; 1971 c 23 s 68; 1988 c 685 s 36; 1990 c 391 art 8 s 56

Copyright 1997 by the Office of Revisor of Statutes, State of Minnesota.

2077438110

Minnesota Statutes 1997, Table of Chapters

Table of contents for Chapter 609

609.03 Punishment when not otherwise fixed.

If a person is convicted of a crime for which no punishment is otherwise provided the person may be sentenced as follows:

- (1) If the crime is a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both; or
- (2) If the crime is a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; or
- (3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both; or
- (4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not specified, to payment of a fine of not more than \$1,000, or to imprisonment for a specified term of not more than six months if the fine is not paid.

HIST: 1963 c 753 art 1 s 609.03; 1969 c 735 s 4; 1977 c 355 s 3; 1983 c 331 s 6; 1986 c 444

Copyright 1997 by the Office of Revisor of Statutes, State of Minnesota.

2077438111

Minnesota Statutes 1997, Table of Chapters

Table of contents for Chapter 629

629.11 Violation a gross misdemeanor.

Any officer who shall deliver to the agent for extradition of the demanding state a person in custody under the governor's warrant in willful disobedience to section 629.10 shall be guilty of a gross misdemeanor; and upon conviction shall be fined not more than \$3,000 or be imprisoned for not more than six months.

HIST: (10547-21) 1939 c 240 s 11; 1984 c 628 art 3 s 11; 1985 c 265 art 10 s 1; 1986 c 444

Copyright 1997 by the Office of Revisor of Statutes, State of Minnesota.

2077438112

Minnesota Statutes 1997, Table of Chapters

Table of contents for Chapter 629

629.471 Maximum bail on misdemeanors; gross misdemeanors.

Subdivision 1. **Double the fine.** Except as provided in subdivision 2 or 3, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor offense is double the highest cash fine that may be imposed for that offense.

Subd. 2. **Quadruple the fine.** (a) For offenses under sections 169.09, 169.121, 169.129, 171.24, paragraph (c), 609.2231, subdivision 2, 609.487, and 609.525, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is quadruple the highest cash fine that may be imposed for the offense.

(b) Unless the court imposes the conditions of release specified in section 169.121, subdivision 1c, the court must impose maximum bail when releasing a person from detention who has been charged with violating section 169.121, subdivision 1, if the person has three prior impaired driving convictions within the previous ten years or four or more prior impaired driving convictions in the person's lifetime. As used in this subdivision, "prior impaired driving conviction" has the meaning given in section 169.121, subdivision 3.

Subd. 3. **Six times the fine.** For offenses under sections 518E.01, 609.224, and 609.2242, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is six times the highest cash fine that may be imposed for the offense.

HIST: 1987 c 329 s 20; 1994 c 615 s 26; 1994 c 636 art 2 s 65; 1995 c 259 art 3 s 23; 1996 c 442 s 34

Copyright 1997 by the Office of Revisor of Statutes, State of Minnesota.

2077438113

Minnesota Statutes 1997, Table of Chapters

Table of contents for Chapter 631

631.20 Hearing on punishment.

After a plea or verdict of guilty, if the court has discretion as to the extent of the punishment, and if either party suggests that there are aggravating or mitigating circumstances which may be properly considered in imposing sentence, the court may hear the issue summarily, at a specified time, and upon notice to the adverse party as it may direct. The aggravating or mitigating circumstances must be presented by the testimony of witnesses examined in open court.

HIST: (10724) RL s 5377; 1985 c 265 art 11 s 1

Copyright 1997 by the Office of Revisor of Statutes, State of Minnesota.

2077438114

Minnesota Statutes 1997, Table of Chapters

Table of contents for Chapter 631

631.43 Sentence when punishment not proscribed.

When no punishment is provided by statute, the court shall sentence the convicted person to a term of imprisonment that, in view of the degree and aggravation of the offense, is not cruel, unusual, or repugnant to the person's constitutional rights.

HIST: (10760) RL s 5414; 1985 c 265 art 11 s 1

Copyright 1997 by the Office of Revisor of Statutes, State of Minnesota.

2077438115



Minnesota House of Representatives

Next search result. House Bill Status Document Display Document 11 of 12 Prior search result.

[House Bill Status Search Form](#)

[Senate Bill Status Search Form](#)

Bill Name: HF3693 [Bill Text](#) [Senate Status](#) Revisor Number: 98-5917

Chief Author: Kahn Co-Authors: Long;Hasskamp;McCollum;McCollum

Companion File: SF3164 [Bill Text](#) [Senate Status](#) [House Status](#)

Short Description: Tobacco tax increased and hospital and provider tax reduced, tobacco advertisement restricted, smoking in workplaces and bars prohibited, cigarette littering prohibited, and civil and criminal penalties imposed.

Unofficial Actions: HOUSE INFORMATION
DATE UNOFFICIAL ACTION HISTORY HF3693
2-26-98 - Taxes Committee; hearing scheduled for 10:00 a.m., Room 200, State Office Building
discussion; laid on table.

Official Actions:

Date	Actions and Journal Pages (jp)
02/12/1998	First reading, referred to Commerce, Tourism and Consumer Affairs (jp 6548)
02/23/1998	Recalled and re-referred to Taxes (jp 7248)
03/05/1998	Author stricken Skoglund (jp 8021)

[House Bill Status Search Form](#)

[Senate Bill Status Search Form](#)

2077438116

rief: Tobacco Tax increased and hospital and provider tax reduced, tobacco advertising restricted, smoking in workplaces and bars prohibited, cigarette littering prohibited, and civil and criminal penalties imposed.



Minnesota House of Representatives

KEY: ~~stricken~~ = old language to be removed
underscored = new language to be added

NOTE: If you cannot see any difference in the key above, you need to change the display of stricken and/or underscored language.

Authors and Status List versions

H.F No. 3693, as introduced: 80th Legislative Session (1997-1998) Posted on 2/12/98

1.1 A bill for an act
1.2 relating to tobacco; increasing the tobacco tax and
1.3 reducing taxes on hospitals, surgical centers,
1.4 providers, and wholesale drug distributors;
1.5 prohibiting tobacco advertisements and promotions in
1.6 areas frequented by youth; prohibiting smoking in
1.7 workplaces; providing that the deposit of partially
1.8 burned cigarettes is littering; prescribing civil and
1.9 criminal penalties; amending Minnesota Statutes 1996,
1.10 sections 85.20, subdivision 6; 144.413, subdivision 2;
1.11 144.414, by adding subdivisions; 144.415; 169.42,
1.12 subdivision 1; 169.421, subdivision 3; 295.52,
1.13 subdivisions 1, 1a, 2, and 3; and 609.68; Minnesota
1.14 Statutes 1997 Supplement, sections 297F.05,
1.15 subdivisions 1 and 3; 297F.08, subdivision 7; 297F.09,
1.16 subdivision 2; and 297F.10, subdivision 1; proposing
1.17 coding for new law in Minnesota Statutes, chapter
1.18 325E; repealing Minnesota Statutes 1996, sections
1.19 144.414, subdivision 1; and 144.415; Minnesota
1.20 Statutes 1997 Supplement, section 295.52, subdivision
1.21 7.
1.22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.23 ARTICLE 1
1.24 TOBACCO TAX
1.25 Section 1. Minnesota Statutes 1996, section 295.52,
1.26 subdivision 1, is amended to read:
1.27 Subdivision 1. [HOSPITAL TAX.] A tax is imposed on each
1.28 hospital equal to ~~two~~ 0.5 percent of its gross revenues.
1.29 Sec. 2. Minnesota Statutes 1996, section 295.52,
1.30 subdivision 1a, is amended to read:
1.31 Subd. 1a. [SURGICAL CENTER TAX.] A tax is imposed on each
1.32 surgical center equal to ~~two~~ 0.5 percent of its gross revenues.
1.33 Sec. 3. Minnesota Statutes 1996, section 295.52,
2.1 subdivision 2, is amended to read:
2.2 Subd. 2. [PROVIDER TAX.] A tax is imposed on each health
2.3 care provider equal to ~~two~~ 0.5 percent of its gross revenues.
2.4 Sec. 4. Minnesota Statutes 1996, section 295.52,
2.5 subdivision 3, is amended to read:
2.6 Subd. 3. [WHOLESALE DRUG DISTRIBUTOR TAX.] A tax is
2.7 imposed on each wholesale drug distributor equal to ~~two~~ 0.5
2.8 percent of its gross revenues.
2.9 Sec. 5. Minnesota Statutes 1997 Supplement, section
2.10 297F.05, subdivision 1, is amended to read:
2.11 Subdivision 1. [RATES; CIGARETTES.] A tax is imposed upon
2.12 the sale of cigarettes in this state, upon having cigarettes in
2.13 possession in this state with intent to sell, upon any person

2077438117

- 2.14 engaged in business as a distributor, and upon the use or
 2.15 storage by consumers, at the following rates, subject to the
 2.16 discount provided in this chapter:
- 2.17 (1) on cigarettes weighing not more than three pounds per
 2.18 thousand, ~~24~~ 37.5 mills on each such cigarette; and
 2.19 (2) on cigarettes weighing more than three pounds per
 2.20 thousand, ~~48~~ 75 mills on each such cigarette.
- 2.21 Sec. 6. Minnesota Statutes 1997 Supplement, section
 2.22 297F.05, subdivision 3, is amended to read:
- 2.23 Subd. 3. [RATES; TOBACCO PRODUCTS.] A tax is imposed upon
 2.24 all tobacco products in this state and upon any person engaged
 2.25 in business as a distributor, at the rate of ~~35~~ 55 percent of
 2.26 the wholesale sales price of the tobacco products. The tax is
 2.27 imposed at the time the distributor:
- 2.28 (1) brings, or causes to be brought, into this state from
 2.29 outside the state tobacco products for sale;
- 2.30 (2) makes, manufactures, or fabricates tobacco products in
 2.31 this state for sale in this state; or
 2.32 (3) ships or transports tobacco products to retailers in
 2.33 this state, to be sold by those retailers.
- 2.34 Sec. 7. Minnesota Statutes 1997 Supplement, section
 2.35 297F.08, subdivision 7, is amended to read:
- 2.36 Subd. 7. [PRICE OF STAMPS.] The commissioner shall sell
 3.1 stamps to any person licensed as a distributor at a discount
 3.2 of ~~1-0~~ 0.6 percent from the face amount of the stamps for the
 3.3 first \$1,500,000 of such stamps purchased in any fiscal year;
 3.4 and at a discount of ~~0-6~~ 0.4 percent on the remainder of such
 3.5 stamps purchased in any fiscal year. The commissioner shall not
 3.6 sell stamps to any other person. The commissioner may prescribe
 3.7 the method of shipment of the stamps to the distributor as well
 3.8 as the quantities of stamps purchased.
- 3.9 Sec. 8. Minnesota Statutes 1997 Supplement, section
 3.10 297F.09, subdivision 2, is amended to read:
- 3.11 Subd. 2. [MONTHLY RETURN; TOBACCO PRODUCTS DISTRIBUTOR.]
 3.12 On or before the 18th day of each calendar month, a distributor
 3.13 with a place of business in this state shall file a return with
 3.14 the commissioner showing the quantity and wholesale sales price
 3.15 of each tobacco product:
- 3.16 (1) brought, or caused to be brought, into this state for
 3.17 sale; and
 3.18 (2) made, manufactured, or fabricated in this state for
 3.19 sale in this state, during the preceding calendar month.
 3.20 Every licensed distributor outside this state shall in like
 3.21 manner file a return showing the quantity and wholesale sales
 3.22 price of each tobacco product shipped or transported to
 3.23 retailers in this state to be sold by those retailers, during
 3.24 the preceding calendar month. Returns must be made in the form
 3.25 and manner prescribed by the commissioner and must contain any
 3.26 other information required by the commissioner. The return must
 3.27 be accompanied by a remittance for the full tax liability shown,
 3.28 less ~~1-5~~ one percent of the liability as compensation to
 3.29 reimburse the distributor for expenses incurred in the
 3.30 administration of this chapter. The return for the May
 3.31 liability and 75 percent of the estimated June liability is due
 3.32 on the date payment of the tax is due.
- 3.33 Sec. 9. Minnesota Statutes 1997 Supplement, section
 3.34 297F.10, subdivision 1, is amended to read:
- 3.35 Subdivision 1. [TAX AND USE TAX ON CIGARETTES.] Revenue
 3.36 received from cigarette taxes, as well as related penalties,
 4.1 interest, license fees, and miscellaneous sources of revenue
 4.2 shall be deposited by the commissioner in the state treasury and
 4.3 credited as follows:
- 4.4 (a) first to the general obligation special tax bond debt
 4.5 service account in each fiscal year the amount required to

2077438118

4.6 increase the balance on hand in the account on each December 1
4.7 to an amount equal to the full amount of principal and interest
4.8 to come due on all outstanding bonds whose debt service is
4.9 payable primarily from the proceeds of the tax to and including
4.10 the second following July 1; and

4.11 (b) after the requirements of paragraph (a) have been met:

4.12 (1) the revenue produced by one mill of the tax on
4.13 cigarettes weighing not more than three pounds a thousand and
4.14 two mills of the tax on cigarettes weighing more than three
4.15 pounds a thousand must be credited to the Minnesota future
4.16 resources fund; ~~and~~

4.17 (2) the revenue produced by 13.5 mills of the tax on
4.18 cigarettes weighing not more than three pounds per thousand and
4.19 27 mills of the tax on cigarettes weighing more than three
4.20 pounds per thousand must be credited to the health care access
4.21 fund in the state treasury; and

4.22 (3) the balance of the revenues derived from taxes,
4.23 penalties, and interest (under this chapter) and from license
4.24 fees and miscellaneous sources of revenue shall be credited to
4.25 the general fund.

4.26 Sec. 10. [FLOOR STOCKS TAX.]

4.27 Subdivision 1. [CIGARETTES.] A floor stocks tax is imposed
4.28 on every person engaged in business in this state as a
4.29 distributor, retailer, subjobber, vendor, manufacturer, or
4.30 manufacturer's representative of cigarettes, on the stamped
4.31 cigarettes and unaffixed stamps in the person's possession or
4.32 under the person's control at 12:01 a.m. on July 1, 1998. The
4.33 tax is imposed at the following rates, subject to the discounts
4.34 in Minnesota Statutes, section 297F.08, subdivision 7:

4.35 (1) on cigarettes weighing not more than three pounds per
4.36 thousand, 13.5 mills on each cigarette; and

5.1 (2) on cigarettes weighing more than three pounds per
5.2 thousand, 27 mills on each cigarette.

5.3 Each distributor, by July 8, 1998, shall file a report with
5.4 the commissioner of revenue, in the form the commissioner
5.5 prescribes, showing the stamped cigarettes and unaffixed stamps
5.6 on hand at 12:01 a.m. on July 1, 1998, and the amount of tax due
5.7 on the cigarettes and unaffixed stamps. The tax imposed by this
5.8 section is due and payable by August 1, 1998, and after that
5.9 date bears interest as provided in Minnesota Statutes, section
5.10 270.75.

5.11 Each retailer, subjobber, vendor, manufacturer, or
5.12 manufacturer's representative shall file a return with the
5.13 commissioner, in the form the commissioner prescribes, showing
5.14 the cigarettes on hand at 12:01 a.m. on July 1, 1998, and pay
5.15 the tax due on them by August 1, 1998. Tax not paid by the due
5.16 date bears interest as provided in Minnesota Statutes, section
5.17 270.75.

5.18 Subd. 2. [TOBACCO PRODUCTS.] A floor stocks tax is imposed
5.19 on every person engaged in business in this state as a
5.20 distributor of tobacco products, at the rate of 20 percent of
5.21 the wholesale sales price of each tobacco product in the
5.22 person's possession or under the person's control at 12:01 a.m.
5.23 on July 1, 1998. Each distributor, by July 8, 1998, shall file
5.24 a report with the commissioner, in the form the commissioner
5.25 prescribes, showing the tobacco products on hand at 12:01 a.m.
5.26 on July 1, 1998, and the amount of tax due on them. The tax
5.27 imposed by this section, less the discount provided in Minnesota
5.28 Statutes, section 297F.09, subdivision 2, is due and payable by
5.29 August 1, 1998, and thereafter bears interest as provided in
5.30 Minnesota Statutes, section 270.75.

5.31 Subd. 3. [AUDIT AND ENFORCEMENT.] The tax imposed by this
5.32 section is subject to the audit, assessment, and collection
5.33 provisions applicable to the taxes imposed under Minnesota

2077438119

5.34 Statutes, chapter 297F. The commissioner may require a
5.35 distributor to receive and maintain copies of floor stock tax
5.36 returns filed by all persons requesting a credit for returned
6.1 cigarettes.
6.2 Subd. 4. [DEPOSIT OF PROCEEDS.] The revenue from the tax
6.3 imposed under this section must be deposited by the commissioner
6.4 in the health care access fund in the state treasury.
6.5 Sec. 11. [REPEALER.]
6.6 Minnesota Statutes 1997 Supplement, section 295.52,
6.7 subdivision 7, is repealed.
6.8 Sec. 12. [EFFECTIVE DATE.]
6.9 Sections 1 to 4 and 11 are effective for calendar years
6.10 beginning after December 31, 1998. Sections 5 to 10 are
6.11 effective July 1, 1998.

ARTICLE 2

ADVERTISING RESTRICTIONS

6.13 Section 1. [325E.255] [DEFINITIONS.]
6.14 Subdivision 1. [SCOPE.] For the purposes of sections
6.15 325E.255 to 325E.258, the terms in this section have the
6.16 meanings given them.
6.17 Subd. 2. [CHILD CARE CENTER.] "Child care center" means
6.18 any establishment licensed or required to be licensed under
6.19 Minnesota Rules, parts 9503.0005 to 9503.0175.
6.20 Subd. 3. [CHILDREN'S INSTITUTION.] "Children's institution"
6.21 means a secure detention facility as defined in section 260.015,
6.22 subdivision 16, or a shelter care facility as defined in section
6.23 260.015, subdivision 17.
6.24 Subd. 4. [PLAYGROUND.] "Playground" means an outdoor area
6.25 open to the public where children play, which contains play
6.26 equipment such as a sliding board, swing, jungle gym, sandbox,
6.27 or seesaw, or which is designated as a public play area, or
6.28 which includes, but is not limited to, a baseball diamond or
6.29 basketball courts.
6.30 Subd. 5. [PUBLICLY VISIBLE LOCATION.] "Publicly visible
6.31 location" means a location visible from a public street,
6.32 sidewalk, highway, or park and includes outdoor billboards,
6.33 exteriors of buildings, windows and doors reasonably visible to
6.34 the public at a distance of two feet, freestanding signboards,
6.35 bus shelters, bus benches, and public buses.
6.36 Subd. 6. [SCHOOL PROPERTY.] "School property" means a
7.1 public or private elementary, middle, or secondary school
7.2 building and its grounds, whether leased or owned by the school.
7.3 Subd. 7. [TOBACCO ADVERTISEMENT.] "Tobacco advertisement"
7.4 means any words, pictures, posters, placards, signs,
7.5 photographs, symbols, devices, graphic displays or visual images
7.6 of any kind, or any combination thereof, the purpose or effect
7.7 of which is to promote the use or sale of a tobacco product
7.8 including through the identification of a brand of a tobacco
7.9 product, a trademark of a tobacco product, or a trade name
7.10 associated exclusively with a tobacco product.
7.11 Subd. 8. [TOBACCO PRODUCT PROMOTION.] "Tobacco product
7.12 promotion" means:
7.13 (1) the marketing, licensing, sale, or distribution of
7.14 items or services, or causing items or services to be marketed,
7.15 licensed, sold, or distributed, whether indoors or outdoors,
7.16 which are not tobacco products but which bear the brand name,
7.17 alone or in conjunction with any word, logo, symbol, motto,
7.18 selling message, recognizable color or pattern of colors, or any
7.19 other indicia of product identification identical or similar to,
7.20 or identifiable with, those used for any brand of tobacco
7.21 product; or
7.22 (2) offering or causing to be offered any gift or item
7.23 other than a tobacco product to any person purchasing a tobacco
7.24 product in consideration of the purchase thereof, or to any
7.25

2077438120

7.26 person in consideration of furnishing evidence, such as credits,
 7.27 proofs-of-purchase, or coupons, of such purchase.

7.28 Subd. 9. [YOUTH CENTER.] "Youth center" means any
 7.29 designated indoor public, private, or parochial facility, other
 7.30 than a private residence or a multiple dwelling unit, which
 7.31 contains programs which provide, on a regular basis, activities
 7.32 or services for persons who have not yet reached the age of 18
 7.33 years, including, but not limited to, community-based programs,
 7.34 after-school programs, weekend programs, violence prevention
 7.35 programs, leadership development programs, vocational programs,
 7.36 substance abuse prevention programs, individual or group
 8.1 counseling, case management, remedial, tutorial, or other
 8.2 educational assistance or enrichment, music, art, dance and
 8.3 other recreational or cultural activities, physical fitness
 8.4 activities and sports programs.

8.5 Sec. 2. [325E.256] [TOBACCO ADVERTISEMENT RESTRICTION.]

8.6 Subdivision 1. [SCHOOLS AND PLAYGROUNDS.] No person shall
 8.7 place, cause to be placed, or maintain a tobacco advertisement
 8.8 in any publicly visible location on or within 1,000 feet of the
 8.9 perimeter of any school property, playground, or playground area
 8.10 in a public park.

8.11 Subd. 2. [CHILD OR YOUTH CENTERS.] No person shall place,
 8.12 cause to be placed, or maintain a tobacco advertisement in any
 8.13 publicly visible location on or within 1,000 feet of the
 8.14 perimeter of any child care center, children's institution, or
 8.15 youth center.

8.16 Subd. 3. [COMPLIANCE.] The owner, operator, or lessee of
 8.17 any location or premises where a tobacco advertisement is
 8.18 prohibited or restricted under this section shall remove any
 8.19 noncomplying advertisement within 30 days of the final enactment
 8.20 of this section.

8.21 Sec. 3. [325E.257] [TOBACCO PROMOTION RESTRICTION.]

8.22 Subdivision 1. [SCHOOLS, PLAYGROUNDS, AND CHILD OR YOUTH
 8.23 CENTERS.] No person shall conduct a tobacco product promotion on
 8.24 or within 1,000 feet of the perimeter of any school property,
 8.25 playground, child care center, children's institution, or youth
 8.26 center.

8.27 Subd. 2. [GENERAL RESTRICTION; EXCEPTION.] No person shall
 8.28 conduct a tobacco product promotion at any location in
 8.29 Minnesota, except that a person may distribute coupons for
 8.30 tobacco products in conformance with Code of Federal
 8.31 Regulations, section 897.32, if the coupons are:

8.32 (1) indoors, affixed to packaging of products sold to
 8.33 adults; or

8.34 (2) indoors or outdoors, in publications including but not
 8.35 limited to newspapers, magazines, or periodicals or other
 8.36 publications.

9.1 Sec. 4. [325E.258] [CIVIL PENALTIES.]

9.2 A person who violates section 2 or 3 is subject to the
 9.3 penalties and remedies of section 8.31.

ARTICLE 3

INDOOR SMOKING

9.6 Section 1. Minnesota Statutes 1996, section 144.413,
 9.7 subdivision 2, is amended to read:

9.8 Subd. 2. [PUBLIC PLACE.] "Public place" means any
 9.9 enclosed, indoor area used by the general public or serving as a
 9.10 place of work, including, but not limited to, restaurants, bars,
 9.11 retail stores, offices and other commercial establishments,
 9.12 public conveyances, educational facilities other than public
 9.13 schools, as defined in section 120.05, subdivision 2, hospitals,
 9.14 nursing homes, auditoriums, arenas, meeting rooms, and common
 9.15 areas of rental apartment buildings, but excluding private,
 9.16 enclosed offices occupied exclusively by smokers even though
 9.17 such offices may be visited by nonsmokers.

2077438121

9.18 Sec. 2. Minnesota Statutes 1996, section 144.414, is
 9.19 amended by adding a subdivision to read:
 9.20 Subd. 1a. [PUBLIC PLACES.] No person shall smoke in a
 9.21 public place or at a public meeting except that persons may
 9.22 smoke in designated smoking areas of bars and restaurants.
 9.23 Sec. 3. Minnesota Statutes 1996, section 144.414, is
 9.24 amended by adding a subdivision to read:
 9.25 Subd. 1b. [PUBLIC PLACES.] No person shall smoke in a
 9.26 public place or at a public meeting. This subdivision
 9.27 supersedes subdivision 1 on and after August 1, 1999.
 9.28 Sec. 4. Minnesota Statutes 1996, section 144.415, is
 9.29 amended to read:
 9.30 144.415 [DESIGNATION OF SMOKING AREAS.]
 9.31 Smoking areas may be designated by proprietors or other
 9.32 persons in charge of ~~public places bars and restaurants~~, except
 9.33 in places in which smoking is prohibited by the fire marshal or
 9.34 by other law, ordinance or rule.
 9.35 Where smoking areas are designated, ~~existing physical~~
 9.36 ~~barriers and ventilation systems shall be used to minimize the~~
 10.1 ~~toxic effect of smoke in adjacent nonsmoking areas. In the case~~
 10.2 ~~of public places consisting of a single room, the provisions of~~
 10.3 ~~this law shall be considered met if one side of the room is~~
 10.4 ~~reserved and posted as a no smoking area. Those areas must be~~
 10.5 ~~separated from the rest of the public place by physical~~
 10.6 ~~barriers. No employer may assign an employee to enter a~~
 10.7 ~~designated smoking area unless the employer informs the employee~~
 10.8 ~~that the area is designated for smokers and that the employee is~~
 10.9 ~~not required to enter it, and unless the employee gives the~~
 10.10 ~~employee's consent after the disclosure. No employer may~~
 10.11 ~~terminate the employment of an employee or alter the hours~~
 10.12 ~~worked or wage received by an employee based on the employee's~~
 10.13 ~~decision not to enter the designated smoking area. No public~~
 10.14 ~~place other than a bar or restaurant shall be designated as a~~
 10.15 ~~smoking area in its entirety. If a bar is designated as a~~
 10.16 ~~smoking area in its entirety, this designation shall be posted~~
 10.17 ~~conspicuously on all entrances normally used by the public.~~
 10.18 Sec. 5. [REPEALER.]
 10.19 (a) Minnesota Statutes 1996, section 144.414, subdivision
 10.20 1, is repealed.
 10.21 (b) Minnesota Statutes 1996, section 144.415, is repealed.
 10.22 Sec. 6. [EFFECTIVE DATE.]
 10.23 Sections 1, 2, 4, and 5, paragraph (a), are effective
 10.24 August 1, 1998. Sections 3 and 5, paragraph (b), are effective
 10.25 August 1, 1999.

ARTICLE 4
 LITTERING

10.26 Section 1. Minnesota Statutes 1996, section 85.20,
 10.27 subdivision 6, is amended to read:
 10.28 Subd. 6. [LITTERING; PENALTY.] (a) No person shall drain,
 10.29 throw, or deposit upon the lands and waters within a state park
 10.30 any substance, including partially burned cigarettes or ash,
 10.31 that would mar the appearance, create a stench, destroy the
 10.32 cleanliness or safety of the land, or would be likely to injure
 10.33 any animal, vehicle, or person traveling upon those lands and
 10.34 waters. The operator of a vehicle or watercraft, except a
 10.35 school bus or a vehicle transporting passengers for hire and
 10.36 regulated by the interstate commerce commission, shall not
 11.1 permit articles to be thrown or discarded from the vehicle upon
 11.2 any lands or waters within a state park.
 11.3 (b) Violation of this subdivision is a misdemeanor. Any
 11.4 person sentenced under this subdivision shall in lieu of the
 11.5 sentence imposed be permitted, under terms established by the
 11.6 court, to work under the direction of the department of natural
 11.7 resources at clearing rubbish, trash, and debris from any state
 11.8
 11.9

2077438122

11.10 park. The court may for any violation of this subdivision order
 11.11 the offender to perform such work under terms established by the
 11.12 court with the option of a jail sentence being imposed.

11.13 (c) In lieu of enforcement under paragraph (b), this
 11.14 subdivision may be enforced by imposition of a civil penalty and
 11.15 an action for damages for littering under section 115A.99.

11.16 Sec. 2. Minnesota Statutes 1996, section 169.42,
 11.17 subdivision 1, is amended to read:
 11.18 Subdivision 1. [DANGEROUS OBJECT ON HIGHWAY.] No person
 11.19 shall throw, deposit, place or dump, or cause to be thrown,
 11.20 deposited, placed or dumped upon any street or highway or upon
 11.21 any public or privately owned land adjacent thereto without the
 11.22 owner's consent any snow, ice, glass bottle, glass, nails,
 11.23 tacks, wire, cans, garbage, swill, papers, ashes, partially
 11.24 burned cigarettes, refuse, carcass of any dead animal, offal,
 11.25 trash or rubbish or any other form of offensive matter or any
 11.26 other substance likely to injure any person, animal or vehicle
 11.27 upon any such street or highway.

11.28 Sec. 3. Minnesota Statutes 1996, section 169.421,
 11.29 subdivision 3, is amended to read:
 11.30 Subd. 3. [CIVIL LIABILITY IMPOSED.] If any solid waste,
 11.31 including litter, glass, nails, tacks, wire, cans, bottles,
 11.32 garbage, papers, refuse, trash, partially burned cigarettes, or
 11.33 any form of offensive matter is thrown, deposited, placed, or
 11.34 dumped from a vehicle upon any street or highway, public land,
 11.35 or upon private land without the consent of the owner of the
 11.36 land, a violation of this subdivision occurs and civil liability
 12.1 is imposed upon the owner of the vehicle. The driver and
 12.2 passengers riding in a vehicle are constituted as the agents of
 12.3 the owner of the vehicle for purposes of this subdivision. It
 12.4 is a defense to any action brought pursuant to this section that
 12.5 the vehicle was stolen. This section is not applicable to the
 12.6 owner of a vehicle transporting persons for hire or transporting
 12.7 school children.

12.8 Sec. 4. Minnesota Statutes 1996, section 609.68, is
 12.9 amended to read:
 12.10 609.68 [UNLAWFUL DEPOSIT OF GARBAGE, LITTER, OR LIKE.]
 12.11 Whoever unlawfully deposits garbage, rubbish, partially
 12.12 burned cigarettes, offal, or the body of a dead animal, or other
 12.13 litter in or upon any public highway, public waters or the ice
 12.14 thereon, shoreland areas adjacent to rivers or streams as
 12.15 defined by section 103F.205, public lands, or, without the
 12.16 consent of the owner, private lands or water or ice thereon, is
 12.17 guilty of a misdemeanor.

2077438123

**State of Minnesota
Eightieth Legislature**

SENATE AGENDA

Seventy-Second Day

Wednesday, February 11, 1998

12:00 Noon

TWELFTH ORDER OF BUSINESS

Introduction and First Reading of Senate Bills

The following bills were read the first time and referred to the committees indicated.

Messrs. Lessard, Morse, Vickerman, Laidig and Johnson, D.J. introduced--

S.F. No. 3129: A bill for an act relating to natural resources; appropriating money to the Minnesota forest resources council for implementation of timber harvesting guidelines and recommendations.

Referred to the Committee on Environment and Natural Resources.

Messrs. Oliver, Knutson, Betzold and Ms. Wiener introduced--

S.F. No. 3130: A bill for an act relating to motor vehicles; regulating installations of air bag on-off switches and deactivations; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Transportation.

Messrs. Sams and Johnson, D.J. introduced--

S.F. No. 3131: A bill for an act relating to taxation; modifying the application of the sales tax to sales of manufactured homes; amending Minnesota Statutes 1996, section 297A.02, subdivision 4.

Referred to the Committee on Taxes.

Messrs. Johnson, D.H.; Ourada; Ms. Runbeck and Mr. Novak introduced--

S.F. No. 3132: A bill for an act relating to utilities; restructuring regulation of the generation of electricity; providing for transition to a competitive industry; requiring restructuring plans; requiring unbundling of services; providing for recovery of stranded costs; requiring registration of suppliers; providing civil remedies; appropriating money; proposing coding for new law as Minnesota Statutes,

2077438124

chapter 216E.

Referred to the Committee on Jobs, Energy and Community Development.

Ms. Johnson, J.B. introduced--

S.F. No. 3133: A bill for an act relating to capital improvements; authorizing funding for white pine acquisition and management; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Mr. Sams, Mrs. Lourey, Mr. Terwilliger and Ms. Berglin introduced--

S.F. No. 3134: A bill for an act relating to human services; appropriating money to assist deaf-blind persons.

Referred to the Committee on Health and Family Security.

Mr. Laidig, Ms. Krentz, Messrs. Cohen and Kelly, R.C. introduced--

S.F. No. 3135: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for the state of Minnesota storm sewer reconstruction project, adjacent to the department of corrections Stillwater facility.

Referred to the Committee on Environment and Natural Resources.

Mr. Laidig introduced--

S.F. No. 3136: A bill for an act relating to local elected officials; expanding the law on removal to city officials; amending Minnesota Statutes 1996, sections 351.14, subdivision 5; 351.15; 351.16; 351.18; 351.19, subdivision 4; 351.20; 351.21; and 351.22.

Referred to the Committee on Local and Metropolitan Government.

Mr. Samuelson, Ms. Kiscaden, Mr. Terwilliger, Ms. Berglin and Mr. Hottinger introduced--

S.F. No. 3137: A bill for an act relating to human services; providing general assistance medical care coverage for victims of torture; amending Minnesota Statutes 1997 Supplement, section 256D.03, subdivision 3.

Referred to the Committee on Health and Family Security.

Ms. Ranum introduced--

S.F. No. 3138: A bill for an act relating to retirement; authorizing the Minneapolis fire department relief association to pay survivor benefits to certain persons.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Kelly, R.C. introduced--

2077438125

S.F. No. 3139: A bill for an act relating to corrections; excluding education costs from per diem costs charged to participating counties under the Community Corrections Act; amending Minnesota Statutes 1997 Supplement, section 401.13.

Referred to the Committee on Crime Prevention.

Mr. Kelly, R.C. introduced--

S.F. No. 3140: A bill for an act relating to corrections; authorizing the commissioner of corrections to contract with counties for placing juveniles in the serious/chronic program, PREPARE; amending Minnesota Statutes 1996, section 242.32, subdivision 1.

Referred to the Committee on Crime Prevention.

Mr. Cohen introduced--

S.F. No. 3141: A bill for an act relating to motor vehicles; establishing an uninsured motorist identification database program; prescribing a criminal penalty; amending Minnesota Statutes 1996, section 168.013, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Transportation.

Mr. Ourada introduced--

S.F. No. 3142: A bill for an act relating to drainage; allowing transfer of access easements from drainage systems to storm sewer improvement districts; proposing coding for new law in Minnesota Statutes, chapter 103E.

Referred to the Committee on Environment and Natural Resources.

Mrs. Lourey introduced--

S.F. No. 3143: A bill for an act relating to taxation; increasing the payment of homestead and agricultural aid to certain cities; amending Laws 1995, chapter 264, article 8, section 18.

Referred to the Committee on Local and Metropolitan Government.

Mr. Hottinger introduced--

S.F. No. 3144: A bill for an act relating to human services; authorizing a grant program to provide support services to caregivers experiencing stress; appropriating money.

Referred to the Committee on Health and Family Security.

Messrs. Hottinger; Johnson, D.J.; Mrs. Scheid, Ms. Pappas and Mr. Vickerman introduced--

S.F. No. 3145: A bill for an act relating to income taxation; providing for a state working family credit;

amending Minnesota Statutes 1996, section 290.0671, by adding subdivisions; Minnesota Statutes 1997 Supplement, section 290.0671, subdivision 1.

Referred to the Committee on Taxes.

Mr. Dille introduced--

S.F. No. 3146: A bill for an act relating to agriculture; providing for disposition of small pig carcasses by swine producers; amending Minnesota Statutes 1996, section 35.82, subdivision 2.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Dille and Johnson, D.E. introduced--

S.F. No. 3147: A bill for an act relating to education; providing for protection of retirement benefits for certain Ridgewater college employees.

Referred to the Committee on Governmental Operations and Veterans.

Mrs. Lourey introduced--

S.F. No. 3148: A bill for an act relating to education; appropriating money to independent school district No. 94, Cloquet, for a reading readiness program.

Referred to the Committee on Children, Families and Learning.

Messrs. Pogemiller and Kelley, S.P. introduced--

S.F. No. 3149: A bill for an act relating to state government; requiring access to information technology for individuals who are blind or visually impaired; proposing coding for new law in Minnesota Statutes, chapters 16B; and 16E.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Pogemiller, Mses. Krentz, Robertson, Messrs. Knutson and Samuelson introduced--

S.F. No. 3150: A bill for an act relating to education; repealing the mandate for three additional days of student instruction; repealing Minnesota Statutes 1997 Supplement, section 120.1015.

Referred to the Committee on Children, Families and Learning.

Mr. Kelly, R.C.; Mses. Higgins, Junge, Messrs. Marty and Johnson, D.J. introduced--

S.F. No. 3151: A bill for an act relating to employment; raising the minimum wage; amending Minnesota Statutes 1997 Supplement, section 177.24, subdivision 1.

Referred to the Committee on Jobs, Energy and Community Development.

2077438127

Mr. Neuville introduced--

S.F. No. 3152: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for the residential academies at Faribault.

Referred to the Committee on Children, Families and Learning.

Ms. Berglin, Mr. Ten Eyck, Ms. Higgins, Mr. Samuelson and Mrs. Lourey introduced--

S.F. No. 3153: A bill for an act relating to human services; providing a grant for primary support to implement Indian child welfare programs; appropriating money.

Referred to the Committee on Health and Family Security.

Mr. Samuelson introduced--

S.F. No. 3154: A bill for an act relating to taxation; property; modifying the senior citizens' property tax deferral program; amending Minnesota Statutes 1997 Supplement, sections 290B.03, subdivision 1; 290B.04, subdivisions 1, 3, and by adding a subdivision; 290B.05, subdivisions 1, 2, and 4; 290B.06; 290B.07; 290B.08, subdivision 2; and 290B.09, subdivision 1.

Referred to the Committee on Local and Metropolitan Government.

Mr. Price introduced--

S.F. No. 3155: A bill for an act relating to education; providing funding for the three additional days of student instruction mandated for the 1998-1999 school year; appropriating money.

Referred to the Committee on Children, Families and Learning.

Mr. Price introduced--

S.F. No. 3156: A bill for an act relating to education; modifying the eligibility for the alternative facilities program; appropriating money; amending Minnesota Statutes 1996, section 124.239, subdivision 1; Minnesota Statutes 1997 Supplement, section 124.239, subdivisions 5, 5a, and 5b.

Referred to the Committee on Children, Families and Learning.

Mr. Price introduced--

S.F. No. 3157: A bill for an act relating to education; enhancing funding for class size reduction; providing full equalization of school district debt service levies; appropriating money; amending Minnesota Statutes 1996, section 124.95, subdivision 4; Minnesota Statutes 1997 Supplement, section 124.961; proposing coding for new law in Minnesota Statutes, chapter 124A.

Referred to the Committee on Children, Families and Learning.

2077438128

Mr. Price introduced--

S.F. No. 3158: A bill for an act relating to education; providing site-based funding for full-day kindergarten, technology enhancements, and gifted and talented programming; appropriating money; amending Minnesota Statutes 1996, section 124A.22, by adding a subdivision; Minnesota Statutes 1997 Supplement, section 124A.22, subdivision 1.

Referred to the Committee on Children, Families and Learning.

Mr. Scheevel introduced--

S.F. No. 3159: A bill for an act relating to education; modifying building construction down payment program; amending Minnesota Statutes 1996, section 124.82, subdivision 3, and by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

Mr. Scheevel introduced--

S.F. No. 3160: A bill for an act relating to education; authorizing a levy for extracurricular activities; amending Minnesota Statutes 1996, section 124.912, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

Mr. Price, Ms. Krentz, Mr. Laidig and Ms. Johnson, J.B. introduced--

S.F. No. 3161: A bill for an act relating to metropolitan government; authorizing state funding for acquisition and betterment of regional recreation open space lands by the metropolitan council and metropolitan area local government units; authorizing the issuance of state bonds; appropriating money.

Referred to the Committee on Local and Metropolitan Government.

Mr. Metzen introduced--

S.F. No. 3162: A bill for an act relating to judges; authorizing a judge whose term of office expires six months or less before the age of 65 to remain in office until age 65; amending Minnesota Statutes 1996, section 490.101, by adding a subdivision.

Referred to the Committee on Judiciary.

Ms. Pappas introduced--

S.F. No. 3163: A bill for an act relating to taxation; property; clarifying the rules applicable to the low-income housing class; changing penalties; providing for deposit of fees and penalties in the housing development fund; amending Minnesota Statutes 1997 Supplement, sections 273.126, subdivision 3; and 462A.071, subdivisions 2, 4, and 8.

Referred to the Committee on Local and Metropolitan Government.

Ms. Pappas, Mr. Hottinger, Mses. Flynn, Kiscaden and Mr. Price introduced--

S.F. No. 3164: A bill for an act relating to tobacco; increasing the tobacco tax and reducing taxes on hospitals, surgical centers, providers, and wholesale drug distributors; prohibiting tobacco advertisements and promotions in areas frequented by youth; prohibiting smoking in workplaces; providing that the deposit of partially burned cigarettes is littering; prescribing civil and criminal penalties; amending Minnesota Statutes 1996, sections 85.20, subdivision 6; 144.413, subdivision 2; 144.414, by adding subdivisions; 144.415; 169.42, subdivision 1; 169.421, subdivision 3; 295.52, subdivisions 1, 1a, 2, and 3; and 609.68; Minnesota Statutes 1997 Supplement, sections 297F.05, subdivisions 1 and 3; 297F.08, subdivision 7; 297F.09, subdivision 2; and 297F.10, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 325E; repealing Minnesota Statutes 1996, sections 144.414, subdivision 1; and 144.415; Minnesota Statutes 1997 Supplement, section 295.52, subdivision 7.

Referred to the Committee on Health and Family Security.

Mr. Lessard introduced--

S.F. No. 3165: A bill for an act relating to human services; increasing the number of demonstration sites for people with disabilities; amending Minnesota Statutes 1997 Supplement, section 256B.77, subdivision 5, and by adding a subdivision.

Referred to the Committee on Health and Family Security.

Mr. Johnson, D.H. introduced--

S.F. No. 3166: A resolution memorializing Congress to support the admission of the Baltic States of Estonia, Latvia, and Lithuania to the North Atlantic Treaty.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Janezich, Solon and Johnson, D.J. introduced--

S.F. No. 3167: A bill for an act relating to consumer protection; regulating the pricing of grocery items; providing remedies; amending Minnesota Statutes 1996, section 325F.54; proposing coding for new law in Minnesota Statutes, chapter 325F.

Referred to the Committee on Commerce.

Mr. Johnson, D.E. introduced--

S.F. No. 3168: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for a multipurpose center in Granite Falls.

Referred to the Committee on Jobs, Energy and Community Development.

2077438130

Mrs. Scheid introduced--

S.F. No. 3169: A bill for an act relating to taxes; use tax; expanding the de minimis exemption for the use tax; amending Minnesota Statutes 1997 Supplement, section 297A.14, subdivision 4.

Referred to the Committee on Taxes.

Messrs. Moe, R.D. and Day introduced--

S.F. No. 3170: A bill for an act relating to telecommunications; modifying voting requirements for extended area service within combined school districts; amending Laws 1997, chapter 59, section 1, subdivision 3.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Kleis, by request, introduced--

S.F. No. 3171: A bill for an act relating to financing of capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; to finance operating deficits should they occur; authorizing local option taxes for the purpose of funding the Central Minnesota Events Center and related uses; authorizing issuance of bonds; appropriating money.

Referred to the Committee on Local and Metropolitan Government.

Mr. Ten Eyck introduced--

S.F. No. 3172: A bill for an act relating to taxation; property; increasing the valuation of agricultural homestead land subject to the reduced class rate; amending Minnesota Statutes 1997 Supplement, section 273.13, subdivision 23.

Referred to the Committee on Local and Metropolitan Government.

Mr. Vickerman introduced--

S.F. No. 3173: A bill for an act relating to education; modifying referendum authority for independent school district No. 2862, Jackson County Central.

Referred to the Committee on Children, Families and Learning.

Mr. Ten Eyck introduced--

S.F. No. 3174: A bill for an act relating to taxation; property; eliminating certain requirements for classification as commercial seasonal residential recreational property; amending Minnesota Statutes 1997 Supplement, section 273.13, subdivisions 22 and 25, as amended.

Referred to the Committee on Local and Metropolitan Government.

2077438131

Messrs. Solon; Kelly, R.C.; Metzen and Stevens introduced--

S.F. No. 3175: A bill for an act relating to government operations; requiring the office of technology to study possible uses and benefits of biometrics.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Marty and Foley introduced--

S.F. No. 3176: A bill for an act relating to crime prevention; expanding reporting requirements for health professionals concerning injuries resulting from alcohol- or controlled substance-related accidents; expanding civil and criminal immunity for reports by health professionals; amending Minnesota Statutes 1996, sections 626.52; and 626.55, subdivision 1; repealing Minnesota Statutes 1996, section 626.55, subdivision 2.

Referred to the Committee on Crime Prevention.

Mr. Betzold introduced--

S.F. No. 3177: A bill for an act relating to government data practices; modifying the definition of parking space leasing data; amending Minnesota Statutes 1997 Supplement, section 13.37, subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Moe, R.D.; Langseth and Stumpf introduced--

S.F. No. 3178: A bill for an act relating to taxation; authorizing the wild rice watershed district to use the proceeds of its levy for flood mitigation projects; amending Laws 1992, chapter 511, article 2, section 52, as amended.

Referred to the Committee on Environment and Natural Resources.

Mr. Vickerman introduced--

S.F. No. 3179: A bill for an act relating to education; appropriating money for the Southwest Telecommunications Cooperative to establish a telecommunications network.

Referred to the Committee on Children, Families and Learning.

Messrs. Morse, Ten Eyck, Hottinger, Murphy and Kleis introduced--

S.F. No. 3180: A bill for an act relating to education; changing the calculation of student financial aid by excluding a portion of any Pell grant; appropriating money; amending Minnesota Statutes 1997 Supplement, section 136A.121, subdivision 5.

Referred to the Committee on Children, Families and Learning.

2077438132

Mr. Beckman and Ms. Anderson introduced--

S.F. No. 3181: A bill for an act relating to economic development; changing the requirements for a study of job-training programs; amending Laws 1997, chapter 200, article 1, section 33, by adding subdivisions.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Beckman and Ms. Anderson introduced--

S.F. No. 3182: A bill for an act relating to employment; appropriating money for grants to encourage women to enter nontraditional careers; establishing requirements for grant recipients; requiring state-funded employment and training programs to provide certain information.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Ten Eyck introduced--

S.F. No. 3183: A bill for an act relating to capital improvements; appropriating money for improvements to the Heartland trail; authorizing the sale of state bonds.

Referred to the Committee on Environment and Natural Resources.

Mr. Johnson, D.E. introduced--

S.F. No. 3184: A bill for an act relating to appropriations; appropriating money for a grant to the city of Stewart.

Referred to the Committee on Environment and Natural Resources.

Mr. Johnson, D.E. introduced--

S.F. No. 3185: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for a wastewater treatment facility in Renville.

Referred to the Committee on Environment and Natural Resources.

Mr. Novak introduced--

S.F. No. 3186: A bill for an act relating to child care; modifying self-employment eligibility for basic sliding fee child care; amending Minnesota Statutes 1996, section 119B.10, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

Messrs. Frederickson, Price, Metzen and Ms. Robertson introduced--

S.F. No. 3187: A bill for an act relating to the organization and operation of state government; modifying provisions relating to state government operations; modifying budget preparation provisions; amending Minnesota Statutes 1996, sections 3.3005, by adding a subdivision; 16A.055, subdivision

2077438133

6;
 16A.10, as amended; 16A.102, subdivisions 1 and 2; 16A.105; 16A.11, subdivisions 3 and 3a;
 16A.501;
 16A.72; 16B.04, subdivision 4; 16B.30; 17.03, subdivision 11; 43A.04, subdivision 1a; 45.012;
 84.027,
 subdivision 14; 116.03, subdivision 2a; 116J.011; 144.05, subdivision 2; 174.02, subdivision 1a;
 175.001,
 subdivision 6; 190.09, subdivision 2; 196.05, subdivision 2; 216A.07, subdivision 6; 268.0122,
 subdivision
 6; 270.02, subdivision 3a; 299A.01, subdivision 1a; and 363.05, subdivision 3; Minnesota Statutes
 1997
 Supplement, sections 3.986, subdivisions 2 and 4; 3.987, subdivisions 1 and 2; 3.988, subdivision 3;
 3.989,
 subdivision 2; 16A.103, subdivision 1; 16A.11, subdivision 1; 16A.641, subdivision 4; 120.0111;
 241.01,
 subdivision 3b; 245.03, subdivision 2; and 273.1398, subdivision 8; Laws 1997, chapter 202, article
 1,
 section 35, as amended; repealing Minnesota Statutes 1996, sections 3.971, subdivision 3; 15.90;
 15.91;
 15.92; Minnesota Statutes 1997 Supplement, sections 3.987, subdivision 3; 3.989, subdivisions 1, 3,
 and 4;
 14.431; 16A.11, subdivisions 3b and 3c; and 241.015.

Referred to the Committee on Governmental Operations and Veterans.

Mses. Anderson, Higgins, Mr. Novak, Ms. Johnson, J.B. and Mr. Johnson, D.H. introduced--

S.F. No. 3188: A bill for an act relating to employment; extending parenting leave requirements; amending Minnesota Statutes 1996, section 181.941, subdivisions 1 and 2.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Novak; Johnson, D.H.; Dille; Scheevel and Ourada introduced--

S.F. No. 3189: A bill for an act relating to utilities; requiring legislative electric energy task force to establish technical advisory committee on electric restructuring; requiring advisory committee to issue reports; establishing duties for public utilities commission and department of public service.

Referred to the Committee on Jobs, Energy and Community Development.

Mrs. Lourey, Ms. Higgins and Mr. Janezich introduced--

S.F. No. 3190: A bill for an act relating to child care; modifying self-employment eligibility for basic sliding fee child care; amending Minnesota Statutes 1996, section 119B.10, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

Messrs. Novak; Johnson, D.H. and Larson introduced--

S.F. No. 3191: A bill for an act relating to economic security; appropriating money for the continuation of the welfare-to-work extended employment partnership program.

2077438134

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Johnson, D.J. introduced--

S.F. No. 3192: A bill for an act relating to insurance; mandating coverage for smoking cessation; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Commerce.

Mr. Johnson, D.J. introduced--

S.F. No. 3193: A bill for an act relating to taxation; providing an income tax credit for collectors of used motor oil and used motor oil filters; amending Minnesota Statutes 1996, section 290.06, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. Johnson, D.J. introduced--

S.F. No. 3194: A bill for an act relating to income tax administration; appropriating money for grants to nonprofit entities to facilitate the delivery of volunteer assistance to low-income taxpayers.

Referred to the Committee on Taxes.

Mrs. Pariseau introduced--

S.F. No. 3195: A bill for an act relating to Goodhue county; providing a sales tax exemption for construction materials used to construct a law enforcement center; authorizing a special levy for the costs of increased staff required to operate a new detention facility.

Referred to the Committee on Taxes.

Mrs. Pariseau, Messrs. Laidig, Vickerman, Johnson, D.J. and Dille introduced--

S.F. No. 3196: A bill for an act relating to taxation; exempting sales to political subdivisions from sales tax; amending Minnesota Statutes 1996, section 297A.47; Minnesota Statutes 1997 Supplement, section 297A.25, subdivision 11.

Referred to the Committee on Taxes.

Mrs. Pariseau, Mr. Laidig, Ms. Lesewski, Messrs. Vickerman and Dille introduced--

S.F. No. 3197: A bill for an act relating to taxation; changing the general rate of the sales and use tax and the sales tax on motor vehicles from 6.5 percent to 6 percent; amending Minnesota Statutes 1996, section 297A.02, subdivision 1.

Referred to the Committee on Taxes.

2077438135

Ms. Krentz, Messrs. Price, Wiger and Ms. Hanson introduced--

S.F. No. 3198: A bill for an act relating to education; waiving compliance with state statutes and rules for school districts receiving less than an inflationary increase in state aid per pupil; amending Minnesota Statutes 1996, section 124A.22, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

Ms. Kiscaden, Messrs. Larson, Kleis and Morse introduced--

S.F. No. 3199: A bill for an act relating to higher education; establishing a trust fund to finance aid to students; providing powers governing the fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Children, Families and Learning.

Ms. Kiscaden, Mr. Oliver, Ms. Robertson and Mr. Stevens introduced--

S.F. No. 3200: A bill for an act relating to health; allowing payments to be made for the employee share of employer-subsidized insurance for children; requiring the commissioner of human services to submit a plan to obtain funding under the state children's health insurance program; amending Minnesota Statutes 1997 Supplement, section 256L.07, subdivisions 2 and 3; proposing coding for new law as Minnesota Statutes, chapter 256M.

Referred to the Committee on Health and Family Security.

Messrs. Kelly, R.C. and Beckman introduced--

S.F. No. 3201: A bill for an act relating to appropriations; providing funds for the Board of Inventions.

Referred to the Committee on Crime Prevention.

Mses. Pappas, Piper, Mrs. Fischbach and Mr. Johnson, D.E. introduced--

S.F. No. 3202: A bill for an act relating to a health occupation; creating an exemption to the midwifery licensure; amending Minnesota Statutes 1996, section 147.09; proposing coding for new law in Minnesota Statutes, chapter 148.

Referred to the Committee on Health and Family Security.

Mr. Foley introduced--

S.F. No. 3203: A bill for an act relating to health; expanding coverage of rehabilitation services under general assistance medical care; amending Minnesota Statutes 1996, section 256D.03, subdivision 4.

2077438136

Referred to the Committee on Health and Family Security.

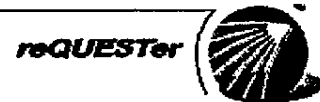
Ms. Olson and Mr. Belanger introduced--

S.F. No. 3204: A bill for an act relating to the city of Delano; authorizing the city to elect a local contribution for a tax increment financing district.

Referred to the Committee on Local and Metropolitan Government.

2077438137

LEXIS-NEXIS

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)**Document 4 of 9.**

Copyright 1998 Star Tribune
Star Tribune (Minneapolis, MN)

February 25, 1998, Metro Edition

SECTION: News; Pg. 1A

LENGTH: 835 words

HEADLINE: Bill would increase taxes on cigarettes;
Smoking ban in bars to be debated

BYLINE: Robert Whereatt; Staff Writer

BODY:

Cigarettes would become more expensive, and bars, one of the last bastions of smokers in Minnesota, would become smoke-free under a bill that is scheduled to be considered in a House committee Thursday.

Its sponsor, Rep. Phyllis Kahn, DFL-Minneapolis, said that while she does not expect a smoking ban in bars to become law this year, she wants to start a debate on the issue because Minnesota is lagging in protecting nonsmokers.

"We're not doing anything that hasn't been done by other states or other localities," she said of the sweeping bill.

Even the proposed tax increase alone, which has a better chance of passing, could be a shock for smokers.

The state tax on a pack of cigarettes would increase 56 percent, from 48 cents to 75 cents. There is also a federal tax of 24 cents.

Kahn was a leader behind the 1975 Minnesota Indoor Clean Air Act, an industry-shaking law that eventually turned most public places into smoke-free zones. Now, she said, it's time to do more.

"We're falling behind other states," she said.

But critics of the proposal said it is too broad, too soon and too discriminatory against smokers.

John Berglund, executive director of the Minnesota Licensed Beverage Association, said Minnesota should wait and see how a no-smoking ban in California bars is working.

Kahn's bill was introduced only two weeks ago, relatively late in the session. But tobacco lobbyists were to meet tonight to plot possible strategies to defeat it.

2077438138

The bar ban

The bill would require bars to have designated nonsmoking areas that are physically separated from smoking areas. A total ban on smoking in bars would be imposed in August 1999.

Until then, bar employees would have the right to refuse to work in a smoking section.

The proposed restrictions would not sit well with the 1,600 members of the bar industry, Berglund said.

California banned smoking in bars last year. There have been reports of noncompliance, lack of enforcement and a falloff in business, he said.

"Before we do anything in Minnesota it would make sense to review the California experience to see what the pluses and minuses are."

Berglund acknowledged that restaurants made similar pleas when they were forced by state law to provide designated areas and then physical barriers for nonsmoking diners.

Restaurants survived nicely, he said, but "It was market-driven, as more people requested nonsmoking. . . You can argue that a bar setting is distinguishable from a restaurant, which is why bars were excluded to begin with."

A big tax bite

As for the tax increase, a spokesman for Philip Morris said it picks on smokers, forcing them to shell out more money at a time when the state is awash in surplus revenue.

Kahn said her proposal is revenue-neutral because it also would reduce the medical provider tax from 1.5 percent to 0.5 percent. All health care providers now pay a gross-revenue tax that helps fund MinnesotaCare, the subsidized state health insurance program.

Cutting the provider tax might find favor with Gov. Arne Carlson.

"We haven't staked out a specific provision on this bill, but we're more likely to support a cigarette tax if it replaces other taxes, which this one does," said Valerie Gunderson, a spokeswoman for the governor.

Kahn said the tax increase, which would push state and federal taxes to 99 cents a pack, would discourage some young people from smoking or cause some to quit.

"This is a win-win from our point of view," said David Renner, lobbyist for the Minnesota Medical Association. "Physicians have never liked the provider tax. We've also been strong supporters of increasing the tobacco tax as a way to decrease smoking."

Minnesota would have the sixth highest cigarette tax in the nation (up from 17th) according to Brendan McCormick, a spokesman for Philip Morris.

"We don't believe it's fair to single out smokers for a tax increase to pay for programs that would benefit large portions of the population," he said.

Kahn said the bill, indeed, singles out smokers who may, in general, be poorer than nonsmokers.

"It's a good health effect," she said of her bill. "It if means that poorer people stop smoking, it's probably even a better effect on the public health budget."

2077438139

No littering

The bill also would make it an offense to toss a cigarette butt on the ground, a street or highway. Doing so already is part of the general littering law, but people don't realize it, Kahn said.

"Just go outside and count them," she said, referring to dead butts at entrances to public buildings.

How to get involved

Cigarette bill hearing

Kahn's bill, House file 3693, is scheduled to be heard in the House Tax Committee today from 10 a.m. to noon in Room 200 of the State Office Building. No vote is expected.

LANGUAGE: ENGLISH

LOAD-DATE: March 5, 1998

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077438140

LEXIS-NEXIS



[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]

Document 46 of 50.

Copyright 1997 Star Tribune
Star Tribune (Minneapolis, MN)

October 13, 1997, Metro Edition
Correction Appended

SECTION: News; Pg. 12A

LENGTH: 502 words

HEADLINE: Beautiful 'U';
A clean campus shows pride

BODY:

At 8:30 this morning, Mark Yudof will don overalls, take brush in hand and start painting one of the worst eyesores on the University of Minnesota campus - the Washington Avenue pedestrian bridge. Before the day is over, 1,000 students, faculty and staff are expected to help him transform the span from litter-speckled gray-and-graffiti to maroon-and-gold.

What a splendid beginning to the week that will see Yudof inaugurated as the university's 14th president. ~~"Beautiful U Day"~~ has arrived, and the overwhelming reaction of anyone who's set foot on the "U" Twin Cities campus in recent years is: "It's about time!"

The aesthetic neglect the main campus has suffered in recent years is understandable, if not excusable. When a tenure war and faculty unionization movement inflamed the campus, interest in flower beds and banners waned. When tight money forced a choice between layoffs and window-washing, windows stayed dirty.

But just as the conflicts died down and money pressures eased, Mark Yudof arrived - and found a campus that looked and felt down on its heels. He quickly discerned that a good way to pick up spirits would be to pick up the trash.

That inspiration will manifest itself today in a massive deployment of dumpsters on campus. Students, faculty and staff have been challenged to fill them with 200,000 pounds of recyclable paper - the amount ordinarily tossed out during an entire quarter.

Meanwhile, two plucky women - student regent Jessica Phillips and finance vice president JoAnne Jackson - today will climb the water tower on the St. Paul campus to hang an "M" banner. Their goal is twofold: to dress up the old tower until its painting date in the spring, and raise money for an ongoing campus cleanup program dubbed ~~"Take Pride in U.A."~~

The program is aptly named. Keeping floors scrubbed, gardens weeded, classrooms clean and furniture repaired is as much about pride as looks. Those acts proclaim that the university is a prized Minnesota possession, cared about and cared for by the people on campus and the people of this state. Their prideful statement is contagious. It's an inspiration to students, an inducement to scholars and an assurance to benefactors that their gifts are in the hands of good stewards.

2077438141

Benefactors have responded warmly to Beautiful U Day. Valspar Corp. donated paint and primer valued at \$ 30,000 for the Washington Avenue bridge. ICI Glidden provided the brushes and tape. Information kiosks on campus are being refurbished with the help of three Twin Cities contractors, M.A. Mortenson, Kraus-Anderson and Thor Construction. Ray Waldron, president of the Minnesota Building Trades Council, will join the painters on the bridge.

More donations of time, materials and money are needed to keep the pride showing at the university. Mark Yudof would surely say that a contribution to "Take Pride in U" would make a wonderful inauguration gift.

CORRECTION-DATE: October 16, 1997

CORRECTION:
Omission

Shaw-Lundquist Associates Inc., was omitted from an editorial Monday listing local contractors who donated material or labor to the rebuilding of kiosks at the University of Minnesota.

LANGUAGE: ENGLISH

LOAD-DATE: October 30, 1997

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077438142

2077438143

South Carolina

Laws on the Books

South Carolina Code of Laws Definition of Litter (Section 16-11-700): No person may dump, throw, drop, deposit, discard, or otherwise dispose of litter or other solid waste upon any public or private property or waters in the State whether from a vehicle or otherwise, including, but not limited to, a public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley... For purposes of the offenses established by this section, litter includes cigarettes and cigarette filters. A person who violates the provision is guilty of a misdemeanor and, upon conviction, must be fined not less than \$100 nor more than \$200 or imprisoned for not more than thirty days for each offense. In addition the court shall impose a minimum of five hours of litter-gathering labor or other form of public service.

Pending State Legislative Action

No pending legislative proposals could be identified in South Carolina.

Local Legislative Initiatives

No local legislative initiatives could be identified in South Carolina.

Key Groups, Programs, Projects

“Zero Tolerance For Litter”: A program sponsored by the South Carolina Litter Association, Keep America Beautiful South Carolina and the South Carolina Department of Health and Environmental Control is designed to work with litter control officers and the community to report those who litter and litter throughout the state. In addition to community clean ups.

Clean and Green: An environmental group based in Rock Hill South Carolina that has been nationally recognized for its outstanding environmental education program. One aspect to the litter program is “Litter Report Cards.” The report cards are used by citizens to report trash and cigarette butts being thrown from vehicles in efforts to aid litter control officers in citing those who litter¹.

“Cut The Trash Week”: The South Carolina Department of Transportation maintenance force picks up litter along the interstate during the annual statewide spring cleaning campaign².

¹ Barbara Mast James, We All Must Pitch In To Fight Litter, The Herald, 03-21-98

² The Herald, 05-06-1998, pp 10A

“Cut The Trash Month”: Governor David Beasley asked police officers to crack down of those who would litter in South Carolina, from cigarette butts to fast food packaging. The Governor declared May-“Cut The Trash Month”³. In 1994 legislation was enacted to amend the litter law of South Carolina to specifically include cigarettes and cigarette filters⁴. In 1995, 6,800 volunteers in South Carolina removed 53.5 tons of debris including cigarette butts, plastic debris, fast food packaging, beer cans and other trash from rivers and sea coasts⁵. In 1996, 6,808 volunteers removed 53.5 tons of debris from the state’s beaches. Cigarette butts were the number one item found⁶.

The Great South Carolina Litter Blitz: On April 18, 1998 South Carolinians took part in the first and largest statewide cleanup ever. The event is to be held annually and unites agencies, government, business communities and volunteers in picking up trash on roads, waterways and rural areas.

³ Governor Wants Crack Down on Litter, The Herald, 05-08-1997

⁴ The South Carolina General Assembly, www.lptr.stste.sc.us/bil93-94/532.htm

⁵ David Quick, Volunteers get ready to Sweep Beach, The Post Courier, 09-19-1996

⁶ Lynn Langley, South Carolina Swept 53.5 Tons of Trash, The post Courier, 06-21-96

2077438145

**SOUTH CAROLINA GENERAL ASSEMBLY
1997 Code of Laws
(unannotated)**

Current through the end of the 1997 Regular Session

[Return to the Code of Laws Main Page](#)

[Copyright and Disclaimer](#)

The State of South Carolina owns the copyright to the Code of Laws of South Carolina, 1976, as contained herein. Any use of the text, section headings, or catchlines of the 1976 Code is subject to the terms of federal copyright and other applicable laws and such text, section headings, or catchlines may not be reproduced in whole or in part in any form or for inclusion in any material which is offered for sale or lease without the express written permission of the Chairman of the South Carolina Legislative Council or the Code Commissioner of South Carolina.

This statutory database is current through the 1997 Session of the South Carolina General Assembly. Changes to the statutes enacted by the 1998 General Assembly, which convened in January 1998, will be incorporated as soon as possible. Some changes enacted by the 1998 General Assembly may take immediate effect. The State of South Carolina and the South Carolina Legislative Council make no warranty as to the accuracy of the data, and users rely on the data entirely at their own risk.

The Legislative Council by law is charged with compiling and publishing the 1976 Code and it is maintained in a database which may be accessed for commercial purposes by contacting the Legislative Council or the office of Legislative Printing and Information Technology Resources.

Title 16 - Crimes and Offenses

CHAPTER 11.

OFFENSES AGAINST PROPERTY

ARTICLE 1.

GENERAL PROVISIONS

SECTION 16-11-10. "Dwelling house" defined in case of burglary, arson and other criminal offenses.

With respect to the crimes of burglary and arson and to all criminal offenses which are constituted or aggravated by being committed in a dwelling house, any house, outhouse, apartment, building, erection, shed or box in which there sleeps a proprietor, tenant, watchman, clerk, laborer or person who lodges there with a view to the protection of property shall be deemed a dwelling house, and of such a dwelling house or of any other dwelling house all houses, outhouses, buildings, sheds and erections which are within two hundred yards of it and are appurtenant to it or to the same establishment of which it is an appurtenance shall be deemed parcels.

SECTION 16-11-20. Making, mending or possessing tools or other implements capable of being used in crime.

It is unlawful for a person to make or mend, cause to be made or mended, or have in his possession any engine, machine, tool, false key, picklock, bit, nippers, nitroglycerine, dynamite cap, coil or fuse, steel wedge, drill, tap-pin, or other implement or thing adapted, designed, or commonly used for the commission of burglary, larceny, safecracking, or other crime, under circumstances evincing an intent to use, employ, or allow the same to be used or employed in the commission of a crime, or knowing that the same are intended to be so used.

2077438146

SECTION 16-11-660. Traveling outside of road on cultivated lands.

It shall be a misdemeanor for any person wilfully to walk, drive or ride or to allow his team to travel outside of the road on the cultivated lands of another, punishable as provided in Section 16-11-650; provided, that in case any person charged with this misdemeanor be brought before or reported to a magistrate he may discharge himself from any further proceedings therein by paying such fine within the above limits as the magistrate may impose.

SECTION 16-11-670. Pleading satisfaction in prosecutions under Sections 16-11-650 and 16-11-660.

In all criminal prosecutions for violation of the provisions of Sections 16-11-650 and 16-11-660 the defendant may plead, as a matter of defense, the full satisfaction of all reasonable demands of the person aggrieved by such violation, and upon such plea being legally established and upon payment of all costs accrued up to the time of such plea he shall be discharged from further penalty.

SECTION 16-11-680. Altering and removing landmarks.

If any person shall knowingly, wilfully, maliciously or fraudulently cut, fell, alter or remove any certain boundary tree or other allowed landmark, such person so offending shall be guilty of a misdemeanor and, upon conviction, shall be fined not exceeding one hundred dollars or imprisoned not exceeding thirty days.

SECTION 16-11-690. Failure to return boat, flat or tool used for mining phosphate.

Any person being entrusted with any boat, flat or tools for gathering phosphate rock by the owner thereof for the purpose of mining or gathering phosphate rock who shall fail to return the same to the owner within two days after being required by such owner so to do shall be guilty of a misdemeanor and, upon conviction thereof before a court of competent jurisdiction, shall be fined in the sum of not more than fifty dollars or imprisoned not more than thirty days, in the discretion of the court. It shall be a complete defense to any indictment or prosecution instituted under this section if the defendant shall make it appear that his failure to return the property was due to his inability so to return the same, such inability not being the result of the defendant's act, or that the agreed time in which such property was to be returned had not expired at the time of his failure to return the same.

SECTION 16-11-700. Dumping litter on private or public property prohibited; exceptions; responsibility for removal; penalties.

(A) No person may dump, throw, drop, deposit, discard, or otherwise dispose of litter or other solid waste as defined by Section 44-96-40(46) upon any public or private property or waters in the State whether from a vehicle or otherwise, including, but not limited to, a public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(1) when the property is designated by the State for the disposal of litter and other solid waste and the person is authorized to use the property for that purpose;

(2) into a litter receptacle in a manner that the litter is prevented from being carried away or deposited by the elements upon a part of the private or public property or waters.

(B) Responsibility for the removal of litter from property or receptacles is upon the person convicted under this section of littering the property or receptacles. However, if there is no conviction, the responsibility is upon the owner of the property or upon the owner of the property where the receptacle is located.

(C)(1) A person who violates the provisions of this section in an amount less than fifteen pounds in weight or twenty-seven cubic feet in volume is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days for each offense. In addition to a fine and for each offense under the provisions of this item, the court shall also impose a minimum of five hours of litter-gathering labor or other form of

2077438147

public service as the court may order because of physical or other incapacities, and which is under the supervision of the court.

(2) The fine for a deposit of a collection of litter or garbage in an area or facility not intended for public deposit of litter or garbage is two hundred dollars. The provisions of this item apply to a deposit of litter or garbage, as defined in Section 44-67-30(4), in an area or facility not intended for public deposit of litter or garbage, but this does not prohibit a private property owner from depositing litter or garbage as a property enhancement if the depositing does not violate applicable local or state health and safety regulations. In addition to a fine and for each offense under the provisions of this item the court shall also impose a minimum of five hours of litter-gathering labor or other form of public service as the court may order because of physical or other incapacities, and which is under the supervision of the court.

(3) The court, in lieu of payment of the monetary fine imposed for a violation of this section, may direct the substitution of additional litter-gathering labor or other form of public service as it may order because of physical or other incapacities, under the supervision of the court, not to exceed one hour for each five dollars of fine imposed.

(4) For a second and subsequent convictions under the provisions of items (1) or (2) of this subsection, a minimum of twenty hours of community service must be imposed in addition to a fine.

(5) In addition to any other punishment authorized by this section, in the discretion of the court in which conviction is obtained, the person may be directed by the judge to pick up and remove from any public place or any private property, with prior permission of the legal owner upon which it is established by competent evidence that the person has deposited litter, all litter deposited on the place or property by anyone before the date of execution of sentence.

(6) Magistrates" and municipal courts have jurisdiction to try violations of subsections (A), (B), (C), and (D) of this section.

(D) Any person who violates the provisions of this section in an amount exceeding fifteen pounds in weight or twenty-seven cubic feet in volume, but not exceeding five hundred pounds or one hundred cubic feet, is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than ninety days. In addition, the court shall require the violator to pick up litter or perform other community service commensurate with the offense committed.

(E)(1) Any person who violates the provisions of this section in an amount exceeding five hundred pounds in weight or one hundred cubic feet in volume is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars, or imprisoned not more than one year, or both. In addition, the court may order the violator to:

(a) remove or render harmless the litter that he dumped in violation of this subsection;

(b) repair or restore property damaged by, or pay damages for damage arising out of, his dumping litter in violation of this subsection; or

(c) perform community public service relating to the removal of litter dumped in violation of this subsection or relating to the restoration of an area polluted by litter dumped in violation of this subsection.

(2) A court may enjoin a violation of this subsection.

(3) A motor vehicle, vessel, aircraft, container, crane, winch, or machine involved in the disposal of more than five hundred pounds in weight or more than one hundred cubic feet in volume of litter in violation of this subsection is declared contraband and is subject to seizure and summary forfeiture to the State.

(4) If a person sustains damages arising out of a violation of this subsection that is punishable as a

2077438148

felony, a court, in a civil action for such damages, shall order the person to pay the injured party threefold the actual damages or two hundred dollars, whichever amount is greater. In addition, the court shall order the person to pay the injured party's court costs and attorney's fees.

(5) No part of a fine imposed pursuant to this section may be suspended.

(6) [Repealed]

(F) For purposes of the offenses established by this section, litter includes cigarettes and cigarette filters.

SECTION 16-11-710. Acceptance of cash bond in lieu of immediate court appearance in litter control prosecutions.

When any person is charged with a violation of 16-11-700 or any county ordinance relating to litter control, any officer authorized to enforce such law or ordinance may accept a cash bond in lieu of requiring an immediate court appearance. Such bond shall not exceed the maximum fine provided for a conviction of the offense charged and may be forfeited to the court by the enforcement officer if the person charged fails to appear in court.

SECTION 16-11-720. Dumping trash in or along shoreline of Lake Greenwood; penalties.

(1) It shall be unlawful for any person to dump, leave or throw any rubbish, trash, garbage, cans, bottles, containers, paper, oil, grease or other similar substances or dead animals into the waters or along the shoreline of Lake Greenwood.

(2) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

SECTION 16-11-730. Malicious injury to or interference with microwave radio or television facilities; unauthorized use of such facilities.

Any person who shall (1) wilfully or maliciously break, injure or otherwise destroy or damage any of the posts, wires, towers or other materials or fixtures employed in the construction or use of any line of a television coaxial cable, or a microwave radio system or a community antenna television system or (2) wilfully or maliciously interfere with such structure so erected or (3) in any way attempt to lead from its uses or make use of the electrical signal or any portion thereof properly belonging to or in use or in readiness to be made use of for the purposes of using said electrical signal from any television coaxial cable company or microwave system or a community antenna television system or owner of such property shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars or by imprisonment for not more than one year, or both, in the discretion of the court.

SECTION 16-11-740. Malicious injury to telegraph, telephone or electric utility system.

It is unlawful for a person, without the consent of the owner, to wilfully:

(1) destroy, damage, or in any way injure a telegraph, telephone, electric utility system, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances;

(2) obstruct, impede, or impair their services or transmissions or;

(3) aid, agree with, employ, or conspire with a person to do or cause to be done any of the acts mentioned in this section.

A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years.

2077438149

(36) "Recyclable material" means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

(37) "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products (including composting).

(38) "Region" means a group of counties in South Carolina which is planning to or has prepared, approved, and submitted a regional solid waste management plan to the department pursuant to Section 44-96-80.

(39) "Regional solid waste management plan" means a solid waste management plan prepared, approved, and submitted by a group of counties in South Carolina pursuant to Section 44-96-80.

(40) "Resource recovery" means the process of obtaining material or energy resources from solid waste which no longer has any useful life in its present form and preparing the waste for recycling.

(41) "Resource recovery facility" means a combination of structures, machinery, or devices utilized to separate, process, modify, convert, treat, or prepare collected solid waste so that component materials or substances or recoverable resources may be used as a raw material or energy source.

(42) "Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

(43) "Rigid plastic container" means any formed or molded container, other than a bottle, intended for single use, composed predominantly of plastic resin, and having a relatively inflexible finite shape or form with a capacity of eight ounces or more, but less than five gallons.

(44) "Sanitary landfill" means a land disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards and meets the design and operation requirements of this chapter.

(45) "Secondary lead smelter" means a facility which produces metallic lead from various forms of lead scrap, including used lead-acid batteries.

(46) "Solid waste" means any garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. Also excluded from this definition are application of fertilizer and animal manure during normal agricultural operations or refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.

(47) "Solid waste disposal facility" means any solid waste management facility or part of a facility at which solid waste is intentionally placed into or on any land or water and at which waste will remain after closure.

(48) "Solid waste management" means the systematic control of the generation, collection, source separation, storage, transportation, treatment, recovery, and disposal of solid waste.

(49) "Solid waste management facility" means any solid waste disposal area, volume reduction plant, transfer station, or other facility, the purpose of which is the storage, collection, transportation, treatment, utilization, processing, recycling, or disposal, or any combination thereof, of solid waste. The

2077438150

Product of the Legislative Printing Agency-LPITR

Another [Search?](#)
 General Assembly [Home Page](#)

Bill 532

Current Status

Introducing Body: Senate
 Bill Number: 532
 Ratification Number: 292
 Act Number: 288
 Primary Sponsor: Wilson
 Type of Legislation: GB
 Subject: Litter, cigarettes and filters
 Date Bill Passed both Bodies: 19940215
 Computer Document Number: JIC/6718.HC
 Governor's Action: S
 Date of Governor's Action: 19940302
 Introduced Date: 19930310
 Last History Body: -----
 Last History Date: 19940302
 Last History Type: Act No. 288
 Scope of Legislation: Statewide
 All Sponsors: Wilson
 Bryan
 Giese
 Thomas
 Type of Legislation: General Bill

Product of the Legislative Printing Agency-LPITR

History

Bill	Body	Date	Action Description	CMN	Leg Involved
532	-----	19940302	Act No. 288		
532	-----	19940302	Signed by Governor		
532	-----	19940224	Ratified R 292		
532	House	19940215	Read third time, enrolled for ratification		
532	House	19940210	Read second time		
532	House	19940210	Objection by Representative		G. Brown
532	House	19940209	Committee Report: Favorable	20	
532	House	19930504	Introduced, read first time, referred to Committee	20	
532	Senate	19930430	Read third time, sent to House		
532	Senate	19930429	Read second time, unanimous consent for third reading on Friday, April 30, 1993		

2077438151

532	Senate	19930428	Committee Report: Favorable	11
532	Senate	19930310	Introduced, read first time, referred to Committee	11

Product of the Legislative Printing Agency-LPITR

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A288, R292, S532)

AN ACT TO AMEND SECTION 16-11-700, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF LITTERING, SO AS TO PROVIDE THAT LITTER INCLUDES CIGARETTES AND CIGARETTE FILTERS.

Be it enacted by the General Assembly of the State of South Carolina:

Litter to include cigarettes and filters

SECTION 1. Section 16-11-700 of the 1976 Code, as last amended by Act 63 of 1991, is further amended by adding an appropriately lettered subsection to read:

"() For purposes of the offenses established by this section, litter includes cigarettes and cigarette filters."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Approved the 2nd day of March, 1994.

Legislative Printing-LPITR@http://www.lpittr.state.sc.us

2077438152

Governor Beasley Proclaims "Cut The Trash" Month in South Carolina

Wednesday, May 07, 1997

Governor David Beasley proclaimed May as "Cut The Trash Month", and issued a challenge to local law enforcement agencies to get tough on those who violate the state's litter law, which calls for a maximum penalty of up to \$1,000 and prison time

Sponsored by the S.C. Department of Transportation, "Cut The Trash Month" marks the start of a year-long get tough on littering awareness campaign.

Other elements of the "Cut The Trash" campaign include radio, television and newspaper public service announcements, billboards, bumper stickers and posters. The campaign is designed to attract younger audiences. SCDOT wants to begin changing attitudes and habits about littering at an early age.

SCDOT maintenance forces will be out in full force picking up litter from along the state's Interstate and major primary routes during "Cut The Trash Week", May 11-17.

Governor Beasley also issued a challenge to other state agencies to get involved in the Adopt-A-highway program. He called on cabinet directors of the Department of Corrections; Department of Parks, Recreation and Tourism and the Department of Natural Resources to do what they can to support this effort.

SCDOT Commission chairman H.B. Limehouse said, "Mounting litter on South Carolina's highways and the blatant disregard of the state's litter laws warrant the get tough stance we're taking on littering - no more Mr. Nice Guys. Something must be done to bring attention to the trashing of our roadsides."

"The Department of Transportation is committed to a cleaner South Carolina. We're proud to have the Governor and the Department of Public Safety's Highway Patrol as partners in our "Cut The Trash", get tough on littering campaign," Limehouse said.

Interim SCDPS Director Eddie Gunn said, "The Highway Patrol will crack down on violators of the litter law. People who throw anything from their vehicles are in violation of the law and will be ticketed. From cigarette butts to fast food packaging - tossing things from your car is a bad habit that will cost you."

"The Highway Patrol is behind the Department of Transportation 100 percent in this effort to emphasize the importance of keeping our roads litter-free, and to remind uncaring people that littering is against the law," Gunn said.

For Further Information Contact:

Communications and Creative Services
955 Park Street, Columbia, SC 29201
Tel: 803-737-1270
FAX: 803-737-1273

2077438153

LEXIS-NEXIS

reQUESTer



[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)

Document 3 of 13.

Copyright 1997 McClatchy Newspapers Inc.
The Herald (Rock Hill, S.C.)

May 8, 1997 Thursday 1ST EDITION

SECTION: STATE; Pg. 10A

LENGTH: 122 words

HEADLINE: Governor wants crackdown on littering

BODY:

WEST COLUMBIA, S.C. (AP) - Gov. David Beasley took to the median of a local highway to ask local police to crack down on those who litter in **South Carolina**.

Beasley helped pick up trash along State Route 12 Wednesday as he proclaimed May "Cut The Trash Month."

~~The state Transportation Department announced plans for a yearlong campaign to reduce litter on the state's roads.~~

Transportation Commission Chairman H.B. "Buck" Limehouse and Eddie Gunn, interim director of the state Public Safety Department, joined in the media event.

"From cigarette butts to fast food packaging, tossing things from your car is a bad habit that will cost you," Gunn said. The maximum penalty for littering includes a \$ 1,000 fine.

LANGUAGE: ENGLISH

LOAD-DATE: May 08, 1997

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077438154

LEXIS-NEXIS



[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]

Document 2 of 50.

Copyright 1998 McClatchy Newspapers Inc.
The Herald (Rock Hill, S.C.)

May 6, 1998 Wednesday 1ST EDITION

SECTION: NEWS; Pg. 10A

LENGTH: 495 words

HEADLINE: Local briefs

BODY:

State workers to clean roads of litter

The South Carolina Department of Transportation maintenance forces will pick up litter on Interstate 77, U.S. 21, S.C. 5, S.C. 49, U.S. 321, and S.C. 55 in York County on Thursday.

The cleanup is part of "Cut The Trash Week," a statewide litter pickup campaign. This is the transportation department's 22nd annual statewide spring cleaning of the state's highways. Post office encourages residents to repair mailboxes

Mailbox Home Improvement Week will be observed May 18 through 23.

Repairing mailboxes improves community appearance and makes it safer for carriers to deliver mail, Rock Hill Postmaster William H. Mayo said.

Some suggested repairs are replacing loose hinges, repainting a rusty mailbox, replacing the post if it's loose and replacing or adding house numbers.

All new mailboxes must be U.S. Postal Service approved traditional or contemporary boxes.

Guatemalan Christian leader to talk at Ebenezer Church

Virgil Zapata, a Guatemalan Christian leader, will speak at 7 tonight at Ebenezer ARP Church.

Zapata will give an update on his ministry and talk about the state of the church in Guatemala. Residents to gather for National Day of Prayer

Americans of all faiths will join together Thursday to pray for the nation's leaders.

The occasion is the 46th annual National Day of Prayer, an event Congress established in 1952. Town squares, state capitols, stadiums, church, parks, city halls and school flag poles become gathering places.

2077438155

Participants pray for the nation's leaders, local and state officials, educators, law enforcement personnel and American families.

Here's a look at local events:

Students and parents will gather at 7:30 a.m. Thursday at the flagpole in front of Rosewood Elementary School in Rock Hill to pray for school and community leaders.

The Rock Hill Ministerial Association will lead prayer groups and sing hymns from 12:20 p.m. to 12:40 p.m. at City Hall Plaza.

The Clover community will meet for prayer from noon to 12:30 p.m. on the lawn at First Baptist Church of Clover. The event is led by the Clover Area Ministerial Association.

In Fort Mill, the Fort Mill Ministerial Association will lead a prayer session from 12:20 p.m. to 12:40 p.m. at the city municipal building.

The Lancaster Ministerial Association will observe National Day of Prayer at 12:15 p.m. at City Hall.

First Baptist Church in Rock Hill and Westminster Presbyterian Church will have a joint service at 7 p.m. Thursday at Westminster.

Gov. Beasley, wife expecting fourth child

COLUMBIA - Gov. David Beasley and his wife, Mary Wood, are expecting their fourth child in December.

"The roles in life that give me the greatest joy are the ones of husband and father. I am thankful beyond words that God has blessed us with another baby," Beasley said Tuesday.

The Beasleys have two girls and a boy: Mary Hunter, 7, Sarah Catherine, 5, and David Jr., 4.

LANGUAGE: ENGLISH

LOAD-DATE: May 07, 1998

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077438156

LEXIS-NEXIS

reQUESTer

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)

Document 6 of 13.

Copyright 1996 The Post and Courier (Charleston, SC)
The Post and Courier (Charleston, SC)

June 21, 1996, Friday, POST AND COURIER EDITION

SECTION: B, Pg. 6

LENGTH: 496 words

HEADLINE: S.C. swept 53.5 tons of trash

BYLINE: LYNNE LANGLEY; Of The Post and Courier

BODY:

~~It took 6,808 South Carolina residents just three hours to clear 53.5 tons of debris from this state's beaches and waterways last fall.~~

In 43 U.S. states and territories 134,929 volunteers removed more than 2.5 million pounds of debris, or nearly 19 pounds per person.

On Thursday, the Center for Marine Conservation released a report on its 10th annual cleanup. The S.C. Sea Grant Consortium also announced the results of ~~Beach Sweep/River Sweep here.~~

✓ This state ranked sixth among 43 in number of volunteers and eighth in number of miles covered, 198.

But South Carolina came in lowest among all the coastal states in pounds of debris collected. That might be due to the light weight of plastics, which dominate the state's pickup.

Plastic also is durable, said Sea Grant's Leigh Handal, state sweep coordinator. "The very attributes that make it such a good material during its useful life make it a menace when disposed of improperly in our waterways."

The material floats and isn't readily biodegradable so it becomes a long-lived menace to wildlife, human health and safety, she said.

The Center for Marine Conservation reported 159 animals, the most ever, were found entangled in debris. Sweep volunteers could save and release only 14 creatures.

~~In seven coastal areas including Folly Beach, Isle of Palms, Sullivan's Island and Georgetown County, cigarette butts were the No. 1 litter item, she said.~~

Charleston Harbor, Edisto Beach, Kiawah and Seabrook had more foamed plastic pieces than any other type of waterway litter. Glass beverage bottles topped the list in Mount Pleasant.

2077438157

Nationwide, sweepers also collected enough household materials to furnish several residences including 14 refrigerators, 80 chairs, 27 TVs, 20 mattresses, six toilet seats and six cars.

Volunteers who took part last year counted and recorded every item, which the Center for Marine Conservation then tabulated for sweeps worldwide.

South Carolinians doggedly picked up 149,698 items; Horry County, 76,260 items; Georgetown County, 14,084; Beaufort County, 9,714; and the inland/river sweep 932. Along the coast of Charleston County, volunteers scooped up 10,128 items at Folly Beach, 6,290 at Isle of Palms, 4,543 at Mount Pleasant, 4,179 at Edisto Beach, 2,706 along Charleston Harbor and 2,485 on Kiawah and Seabrook islands.

This year's sweep is scheduled from 9 a.m. to noon on Sept. 21. For information, call Joy Bowick at Sea Grant in Charleston, 727-2078. For inland lakes and rivers, contact Ellis Farr at the S.C. Department of Natural Resources in Columbia, 737-0800. **THE DIRTY DOZEN**

1. Cigarette butts
2. Foamed plastic pieces
3. Plastic pieces
4. Metal beverage cans
5. Plastic food bags, wrappers
6. Plastic beverage bottles
7. Plastic caps and lids
8. Plastic straws
9. Miscellaneous plastics
10. Glass beverage bottles
11. Paper pieces
12. Plastic cups and utensils

GRAPHIC: PHOTO; Box listing top dozen kinds of garbage found

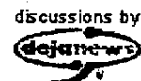
TYPE: Table

LOAD-DATE: June 22, 1996

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077438158



Infoseek channels

- [Automotive](#)
- [Business](#)
- [Careers](#)
- [Computer](#)
- [Education](#)
- [Entertainment](#)
- [The Good Life](#)
- [Health](#)
- [Internet](#)
- [Kids&Family](#)
- [News](#)
- [Personal Finance](#)
- [Real Estate](#)
- [Shopping](#)
- [Sports](#)
- [Travel](#)
- [Women's](#)

Article 1 of exactly 3

<< >> ^

[Previous Article](#) [Next Article](#) [Current Results](#)

- [Help](#)
- [Email Re](#)
- [Author Profile](#)
- [Bookmar](#)
- [View Thread](#)
- [Text Onl](#)

Subject: ENVIRONNEWS AMERICAN JULY 13, 1998
 From: Mark Graffis <ab758@virgin.usvi.net>
 Date: 1998/07/15
 Message-ID: <6oj897\$cb2\$1@news.missouri.edu>
 Newsgroups: misc.activism.progressive

Article segment 3 of 3 - [Get Previous Segment](#) - [Get All 3 Segments](#)

COVER YOUR TRUCK IN SOUTH CAROLINA - The South Carolina Litter Association, Keep America Beautiful (KAB) of South Carolina, S.C. Department of Health and Environmental Control are campaigning to reduce litter statewide. The target is uncovered vehicles because they are the number-one source of roadside litter in South Carolina according to KAB research. "Zero Tolerance for Litter" is a public awareness campaign to bring increased public awareness of the litter problem by the joint efforts of state and local government enforcement officers. Officers will make traffic stops and give tickets or warnings for people littering during the weekend before Labor Day, August 28-29. Fines for littering are \$200 up to \$1,000. The state litter law requires that uncovered vehicles be loaded so as not to spill or it must be covered. Uncovered pickups, commercial trucks and trailers usually have materials blowing or bouncing out.

13 OHIO WATER SYSTEMS DO NOT TELL CUSTOMERS OF IMPURITIES - Ten of Ohio's more than 6,000 public water systems failed to notify customers that their water systems did not meet state and federal drinking water standards during January through March 1998, according to a survey by the Ohio Environmental Protection Agency (EPA). Water utilities that issue a public notice include: electronic media, local daily newspapers, direct mail, water bills and hand delivery. Of the four repeat violators, the Safe Drinking Water Act, enforced by Ohio EPA, requires that water systems be sampled regularly for possible microbiological contamination. The samples must be taken by an Ohio EPA-approved laboratory and the results reported to the EPA. If samples were not taken, or if a sample shows contamination

2077438159

the water supplier must notify its customers through public n

MINE ON "RIVER RUNS THROUGH IT" FAILS TO PAY - Mining company Resources has failed to make a July payment for environmental at its proposed McDonald Gold mine, prompting the Montana Dep of Environmental Quality (DEQ) to issue a "stop-work order" o environmental review process for the project. The controversi proposal calls for the construction of Montana's largest gold the headwaters of the Blackfoot River, site of Norman Maclean River Runs Through It." This is the second delinquent payment McDonald Gold project this year. Today, two national environm organizations congratulated the DEQ for halting the review pr the open-pit mine. In a letter to Mark Simonich, DEQ director Policy Center and American Rivers urged the Department to "... work permanently on this proposed mine and instead turn your to ensuring the long-term protection of the Blackfoot River."

CONCRETE MAKER FINED \$250,000 - A Missouri concrete maker wil quarter of a million dollars, and one of its executives faces one year in prison and a \$100,000 fine for dumping concrete a water into a creek that feeds the Mississippi River. At a hea before U.S. District Court Judge Catherine Perry in Missouri, Breckenridge Material Company pled guilty to a felony violati Clean Water Act. The company discharged untreated waste water concrete into Deer Creek, which flows into the Mississippi Ri Donald Fix, the Environmental Manager for Breckenridge, pled to the negligent discharge of pollutants, a criminal misdemea violation of the Clean Water Act. Breckenridge had a permit t discharge only waste water that had been treated to eliminate corrosive nature. Water contaminated with a corrosive substan concrete can kill fish, plants and other aquatic life.

Copyright 1990-1998 Environment News Service (ENS) Inc. All R Reserved

Article segment 3 of 3 - [Get Previous Segment](#) - [Get All 3 Segments](#)



<< >> ^

Previous [Next Article](#) [Current Article Results](#)

- [Help](#)
- [Email Re](#)
- [Author Profile](#)
- [Bookmar](#)
- [View Thread](#)
- [Text Onl](#)

XX
XX

Infoseek channels

- [Automotive](#)
- [Business](#)
- [Careers](#)
- [Computer](#)
- [Education](#)
- [Entertainment](#)
- [Good Life](#)
- [Health](#)
- [Internet](#)
- [Kids & Family](#)
- [News](#)
- [Personal Finance](#)
- [Real Estate](#)
- [Shopping](#)
- [Sports](#)
- [Travel](#)

[Home](#) | [Feedback](#) | [Put Infoseek on your site](#) | [Add URL](#) | [Help](#) | [Advanced help](#) |
[Worldwide Infoseek](#) | [About Infoseek](#) | [Advertise on Infoseek](#) | [Jobs @ Infoseek](#) |
[Intranet Software](#) | [Infoseek Instant Messaging](#) | [Chat](#)

2077438160

LEXIS-NEXIS

reQUESTer



[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]

Document 38 of 50.

Copyright 1997 Southeastern Newspapers Corporation
The Augusta (Ga.) Chronicle

March 21, 1997, Friday, ALL EDITIONS

SECTION: METRO, Pg. A14

LENGTH: 143 words

HEADLINE: VOLUNTEERS KEEP
HIGHWAYS CLEAN

BYLINE: Chandra L. McLean; South Carolina Bureau

DATELINE: AIKEN

BODY:

State efforts to keep South Carolina highways clean seem to be paying off.

~~Early in 1997, Adopt-A-Highway volunteers picked up 2.5 million pounds of trash and litter from~~
alongside 6,500 miles of highway across the state last year, said H.B. Limehouse, commission chairman
of the state Department of Transportation.

About 21 tons of litter was cleared from Aiken County highways last year thanks to 1,800 volunteers,
Transportation officials say.

The Adopt-A-Highway program began as a pilot project in Beaufort County in 1987. Because of its
tremendous success, it was approved for statewide implementation in 1988.

Sara Young, Aiken County Adopt-A-Highway coordinator, said the program is effective because it helps
the county stay clean for tourism.

She said cleaning trash from the highways sends a chain reaction through the community.

LANGUAGE: ENGLISH

LOAD-DATE: April 7, 1997

[Main Menu] [Last Form] [Document List] [Full View] [KWIC View] [Prev] [Next] [Help]
[About LEXIS-NEXIS] [Terms and Conditions]

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077438161

LEXIS·NEXIS

reQUESTer

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)

Document 1 of 13.

Copyright 1998 McClatchy Newspapers Inc.
The Herald (Rock Hill, S.C.)

March 21, 1998 Saturday 1ST EDITION

SECTION: OPINION; Pg. 7A

LENGTH: 1126 words

HEADLINE: We all must pitch in to fight litter

BYLINE: Barbara Mast James Special to The Herald

BODY:

The recent dialogue by York County Council members on how to control litter in our area is like music to my ears. Litter is a problem in our city, our county and our state, and we have let the perpetrators get by with their disgusting habit far too long.

When the **South Carolina** legislature was considering new slogans for our state's license plates, state Sen. Greg Gregory, representing Fairfield, Lancaster and York counties, wrote in a June 1997 column for The State newspaper that **South Carolina's** motto should be, "**South Carolina - The Land of Litter.**" If you think his remark is extreme, open your eyes. One can't drive 50 yards on any major thoroughfare without seeing litter somewhere.

In Rock Hill, Clean and Green's annual photometric surveys over the past decade show a surprising decrease in litter within city limits: 54 percent on streets and rights of ways; 76 percent in vacant lots; 90 percent in parking lots; and 62 percent at commercial dumpster locations. Yet even with this improvement we know that litter is still a terrible problem.

Keep America Beautiful (KAB), the organization that raised litter awareness with Iron Eyes Cody, the "crying Indian," in its anti-litter commercials of the 1970s, defines litter as "misplaced solid waste." It identifies seven sources where litter originates (in this order): dumpster areas, household garbage cans, construction sites, loading docks, during hauling, from vehicles and by pedestrians.

But why do people litter? KAB says that every person has a set of attitudes that affect how he or she handles solid waste. These norms determine whether our community will be clean or not. Keep America Beautiful believes, then, in a behavior-based approach to waste reduction. We must change attitudes and behaviors by substituting poor solid waste handling norms (or pro-litter norms) with positive (or anti-litter) norms.

Current litter-related norms, unfortunately, do need to be changed. These norms include: 1) Someone will clean up after me, 2) I don't own it, why should I clean it up, and 3) Trash is there already, so it's OK to litter.

2077438162

Someone else will clean up after me. Last fall I was at a Panthers' game with some friends, and after giving one of the friends a piece of candy, she dropped the wrapper to the ground. When I bent down to pick it up, she protested, saying, "There are people who do that for you." Obviously a lot of people feel that way. This norm may best be illustrated by the litter left in movie theaters after a movie. Movie theater owners are trying to change this practice, however. They have trash barrels at theater exits, and even request during the previews to please place trash in the trash cans.

I don't own it, why should I clean it up? If people don't feel like they own their community, then they feel no responsibility for keeping it clean. In a sense I understand this mentality - I don't own that property, let the owner/the/city/the Highway Department keep it clean. What we must understand, though, is that we do own it, whether we have title to it or not. We each have a stake in our community. It is up to all of us to keep it clean and safe, and a desirable place in which to live.

Trash is there already, what's one more thing? Ever hear of the "broken window theory?" If a building has one broken window, left unfixed it will soon have another, then another, and before you know it, the whole building will be rundown. Left unfixed, it won't be long before other buildings will follow a similar fate, and eventually the area will become rundown and unsafe.

Litter left on the ground also tends to multiply like the broken windows. Unchecked, it takes over the area. People perceive that no one cares, and then more litter accumulates. Adopt-a-Highway groups try to counter this litter-related norm, by cleaning up the trash on a regular basis. It is the hope that people will be less likely to litter a litter-free space.

Closely tied to pro-litter norms are "litter enablers." These are folks whose response to litter is one of the following: 1) It's not my responsibility, 2) It's not my fault, 3) I don't want to get involved, and 4) There is nothing I can do about it.

Of course Rock Hill Clean and Green volunteers shout a resounding, "Wrong!" Negative behaviors can be changed and litter can be reduced through education, improved technologies, ordinances and enforcement.

Clean and Green has been recognized nationally for its outstanding environmental education program. We will continue to try to reach members of our community to teach them about litter control, among other things. Improved waste handling technologies will help curtail litter at some of its seven sources. Ordinances prohibiting litter and an increased emphasis on enforcement can only help. For instance, under South Carolina statute 16-11-700, depending on what is dumped, a litterer may be charged with a misdemeanor or even a felony and ordered to pay fines and court costs up to \$ 1,000. Added enforcement would surely increase the deterrent value of local and state litter laws.

You, too, can be a part of the solution. Educate your children and your friends that littering is ugly, unsafe and just plain wrong. Set an example in your own household and your own neighborhood by disposing of trash properly. Keep a trash bag in your car (Clean and Green will give you one free). Secure your trash bags and close trash container lids tightly. Never throw away polystyrene "peanuts" without sealing them up first. (Even better, reuse them or give them to a package-mailing business.)

If you see someone else litter, confront them if possible. I once witnessed two teen-agers toss their drink bottles into the woods near my house. Angry, I yelled, "Hey, you, pick those back up!" And do you know what? They did.

Rock Hill Clean and Green also has on hand some "Litter Report Cards," which citizens can use to report trash and cigarette butts being thrown from vehicles. Maybe if we forward these to the new litter control officers, we can stop at least a few of the litterbugs.

And finally, volunteer. Clean and Green has projects throughout the year for which volunteers are needed. Or get together a group and adopt a couple of miles of street or highway through the Adopt-a-Highway program. Sponsor trash clean-ups in your neighborhood.

2077438163

But remember, you don't have to be affiliated with any group to pick up litter. Just get out there with a bag and gloves and do it. As the Keep America Beautiful theme song says, "Keep America Beautiful. If one by one we try, Wwe can make a difference, together, you and I.

The author is chairperson of Rock Hill Clean & Green, a Keep America Beautiful affiliate.

LANGUAGE: ENGLISH

LOAD-DATE: March 24, 1998

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077438164

LEXIS-NEXIS

reQUESTer

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)

Document 45 of 50.

Copyright 1996 The Post and Courier (Charleston, SC)
The Post and Courier (Charleston, SC)

September 19, 1996, Thursday, ZONED EDITION EDITIONS

SECTION: EAST COOPER, Pg. 3

LENGTH: 312 words

HEADLINE: Volunteers get ready to sweep beach

BYLINE: DAVID QUICK; Of The Post and Courier

BODY:

Calling all East Cooper residents who love to stroll along the beach, look across a vast marsh, boat along waterways or fish from land or sea.

Take a few hours this Saturday morning to give something back to our most valued local natural resource.

~~Across South Carolina and the nation on Saturday, volunteers will be picking up cigarette butts, plastic debris, fast-food packaging, beer cans and other trash from rivers and sea coasts.~~

~~The 1996 Beach Sweep/River Sweep will be held 9 a.m. to noon Saturday in Mount Pleasant, Isle of Palms and Sullivan's Island.~~

Data collection by volunteers about trash found during the annual event is analyzed by the Center for Marine Conservation. The statewide effort is coordinated by the S.C. Sea Grant Consortium and the S.C. Department of Natural Resources.

Volunteers not only pick up debris but carefully record all items. The Center for Marine Conservation determines the source of the national litter problem and can provide information to federal and state governments.

In 1995, 6,800 volunteers in South Carolina removed 53.5 tons of debris.

In Mount Pleasant, volunteers can help clean up at four sites: Shem Creek, Ben Sawyer causeway, Pitt Street Bridge and Alhambra Hall. Contact Kent Prause at 884-1229 or Sherri Anderson at the Mount Pleasant Waterworks at 884-9626.

On Sullivan's Island, volunteers should call Dawn Baumstark at Fort Moultrie at 883-3123.

Beach sweep on the Isle of Palms will be coordinated by Leola Hanbury at 886-6458 or Marsha Ray at 886-4073.

2077438165

Many volunteers are needed to cover the seven-mile-long Isle of Palms beach. Hanbury said teams are organized in advance to cover the beach, so she encourages locals to call today or Friday.

Hanbury said the Windjammer has offered to provide beach sweepers with free hot dogs and a cold drink when the task is complete.

LOAD-DATE: September 20, 1996

[\[Main Menu\]](#) [\[Last Form\]](#) [\[Document List\]](#) [\[Full View\]](#) [\[KWIC View\]](#) [\[Prev\]](#) [\[Next\]](#) [\[Help\]](#)
[\[About LEXIS-NEXIS\]](#) [\[Terms and Conditions\]](#)

Copyright© 1998 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

2077438166



News Release

First 'Great South Carolina Litter Blitz' to be held

FOR IMMEDIATE RELEASE
April 3, 1998

COLUMBIA -- Keep America Beautiful is urging people with a spring cleaning urge to take it outside this year by participating in the "Great South Carolina Litter Blitz," the first and largest statewide cleanup ever.

The event, to be held annually, unites agencies, governments, businesses, communities and volunteers in picking up trash on roads, waterways, towns and rural areas.

Governor David Beasley will proclaim April as Keep America Beautiful Month and urges citizens, agencies and businesses to work throughout the year to preserve the natural beauty of our state. The state KAB office, housed in the S.C. Department of Health and Environmental Control, has tips for preventing litter and community cleanup guides for those wanting to join Governor Beasley's call to action.

The target date for statewide activities is April 18, but groups may choose an alternate date. Keep America Beautiful encourages individuals and groups to roll up their sleeves for South Carolina. People are reminded to get appropriate permissions from property owners, management or government agencies.

During the "Great South Carolina Litter Blitz," KAB's joint project with Nickelodeon's (TM) "The Big Help Day" will help connect young people to their community as volunteers. "Big Help Week" is April 18-25, during which time children will carry out their pledges made last October on "Make A Difference Day." KAB is one of several national organizations providing volunteer opportunities.

By carrying out a cleanup and reporting results, groups can qualify in a drawing for a real little red wagon made with recycled steel and donated by the Steel Recycling Institute. Report results, such as number of volunteers, activity, hours worked, and how many bags of litter collected to Keep America Beautiful of South Carolina, 2600 Bull Street, Columbia, SC 29201.

In 1997, more than 9,000 people volunteered with community improvement projects during April. They worked 27,433 hours and returned \$144,023 in direct benefits calculated at minimum wage. Activities included the Charleston Bag A Thon, which got help from the Citadel Corps of Cadets; an Earth Day Birthday in Rock Hill, which spruced up the community and educated the general public; and an effort by 100 children in Georgetown, who were rewarded by local businesses for picking up more than 1 ton of litter.

Last year Keep America Beautiful of the Midlands presented an environmental fair exhibit during Kid's Day in Columbia and recognized schools for excellence in being a clean campus. Sumter County KAB enlisted schools to collect aluminum cans and graduated Master Waste Educators as volunteers to educate adults. Adopt-A-Highway groups scheduled one of three cleanups in April, and S.C. Department of Transportation employees cleaned highways and roadsides one week during the

month.

Monthlong activities will be celebrated on April 29 during the 29th annual Governor's Community Improvement Conference and Awards to be held at Riverbanks Zoo and Gardens.

###

For further information:

Diane Marlow, Keep America Beautiful of South Carolina
Phone: 803-896-4158 or 1-800-768-7348; Fax: 803-896-4001

easterjr@columb20.dhec.state.sc.us

[| Back To News Release Listing |](#)

2077438168