

Ramseyer Format [date]

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendment to Chapter 13-256
Hawaii Administrative Rules

[date of adoption by agency]

1. Section 13-256-73.13, Hawaii Administrative Rules, is amended to read as follows:

"§13-256-73.13 Ahu o Laka safety zone. (a) The Ahu o Laka safety zone is the area encompassed within the boundaries designated as Zone H-2 shown on Exhibit "X-2," "Ahu o Laka safety zone, Kaneohe Bay, Hawaii" dated June 8, 2011, and located at the end of this subchapter. The boundaries of Zone H-2 are as follows:

Beginning at a point in the water at 21°28.462'N 157°49.203'W, then by straight lines drawn to a point at 21°27.9647'N 157°49.140'W, then to 21°27.514'N 157°48.115'W, then to 21°28.030'N 157°47.940'W, then back to the starting point.

(b) For Memorial Day, Independence Day, and Labor Day holidays as designated in section 8-1, Hawaii Revised Statutes, if any of these three designated holidays involves a three-day weekend, Zone H-2 is subject to the following restrictions during the time period of 12:00 a.m. to 11:59 p.m. on each day of the three-day weekend:

- (1) No person shall possess, use, or consume alcohol within Zone H-2;
- (2) No person shall enter or remain in Zone H-2 while under the influence of alcohol, narcotics, or drugs; provided that a person may use or possess drugs legally prescribed by that person's physician; and
- (3) No person within Zone H-2 shall:

EXHIBIT A

- (A) engage in fighting or threatening, or violent or tumultuous behavior;
- (B) make unreasonable noise;
- (C) subject another person to offensively coarse behavior or abusive language which is likely to provoke a violent response; or
- (D) create a hazardous or physically offensive condition by any act which is not performed under any authorized license or permit.

Noise is unreasonable, within the meaning of subparagraph (3)(B), if considering the nature and purpose of the person's conduct and the circumstances known to the person, including the time of day or night, the person's conduct involves a gross deviation from the standard of conduct that a law-abiding citizen would follow in the same situation; or the failure to heed the admonition of a law enforcement officer that the noise is unreasonable and should be stopped or reduced.

(c) In addition to any other penalty authorized by law, a violation of any of the restrictions described in subsection (b) shall be subject to penalties as provided in sections 200-14 and 200-14.5, Hawaii Revised Statutes.

(d) If any term or provision of this section, or the application thereof to any person or circumstance is found unenforceable or invalid to any extent, the remainder of this section or the application of such term or provision to persons or circumstances other than those to which it is held unenforceable or invalid, shall not be affected thereby, and each remaining term and provision of this section shall be valid and enforceable to the fullest extent permitted by law.

[(e) This rule shall take effect ten days after the filing date with the Office of the Lieutenant Governor and shall be repealed three years from its effective date unless this provision is sooner

repealed or otherwise amended.]" [Eff 8/18/12; am
] (Auth: HRS §200-4) (Imp: HRS §§200-2,
200-4, 200-4.5, 200-14, 200-14.5)

2. Material, except source notes, to be repealed is bracketed.

3. This amendment to chapter 13-256, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing is a copy of the rule, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which was adopted on _____, by the Board of Land and Natural Resources, and filed with the Office of the Lieutenant Governor.

WILLIAM J. AILA, JR.
Chairperson
Board of Land and Natural
Resources

APPROVED FOR PUBLIC HEARING:



Deputy Attorney General

