

HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

ORDINANCE _____
BILL 11(2025)

A BILL FOR AN ORDINANCE

RELATING TO ELECTRONIC AMUSEMENT DEVICES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and purpose. The City Council ("Council") finds that electronic amusement devices have the potential to create adverse neighborhood impacts such as criminal activity, vandalism, litter, noise, and traffic congestion. The Council also finds that it is the responsibility of property owners and property managers to ensure that unlawful gambling is not occurring at locations under their control. The purpose of this ordinance is to provide for the strict regulation of electronic amusement devices to protect public health, safety, and welfare.

SECTION 2. Chapter 34, Revised Ordinances of Honolulu 2021 ("Regulation of Businesses"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

"ARTICLE __: ELECTRONIC AMUSEMENT DEVICES

§ 34-__ .1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning:

Alcohol. Has the same meaning as defined in HRS § 281-1.

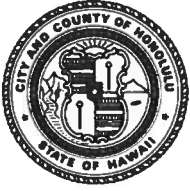
Chief of Police. The chief of police of the Honolulu police department or the police chief's designee.

Controlled Substance. Has the same meaning as defined in HRS § 329-1.

Department. The Honolulu police department.

Electronic Amusement Device or Device. Any machine, device, electronic game of skill, or video game that:

- (1) Is made available to the public for use or play, for the purposes of displaying for amusement; and
- (2) Requires the payment of money or other valuable consideration.



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Electronic amusement device or device does not include ping pong tables, music devices, vending machines, or any rides for which no element of chance, bonus, or prize is involved.

Gambling. Has the same definition as defined in HRS § 712-1220.

Law Enforcement Officer. Has the same meaning as defined in HRS § 701-118.

Location. Any business establishment, public or private club, association, or any other site where an electronic amusement device is available to the public for display or operation.

Minor. Has the same meaning as defined in HRS § 712-1209.1.

Operator. Any person in control of the location at the time of the offense.

Person. Has the same meaning as defined in § 1-4.1.

Property. Has the same meaning as defined in HRS § 708-800.

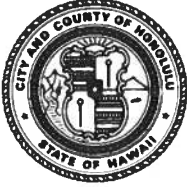
Property Manager. Any person or entity that receives compensation for the management of real property and can execute the rules of the lease on behalf of the property owner.

Property Owner. Any person or entity that is named on the title of real property in the City and County of Honolulu.

Prostitution. Has the same meaning as defined in HRS § 712-1200.

§ 34-__2 Permits required.

- (a) A person may not display an electronic amusement device without an electronic amusement device permit.
- (b) It shall be unlawful for any person to make available for display or operation any electronic amusement device unless the required permits have been obtained, and the display or operation of the electronic amusement device complies with all applicable provisions of this article.



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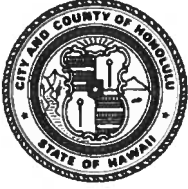
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§ 34-___.3 Permit types—Validity.

- (a) *Annual.* Annual electronic amusement device permits are valid for the calendar year of issue, and expire on December 31 of that year.
- (b) *Temporary.* Temporary electronic amusement device permits are valid for one continuous time period not exceeding 90 days.

§ 34-___.4 Permit—Application, issuance, denial.

- (a) *Application.* Applications for electronic amusement device permits must be made to the department, on forms provided by the department. The applicant must provide all requested information on the form, including the name of the owner of the device and the location where the device will be situated. If the applicant is not the owner of the device, the applicant must provide evidence that the owner has authorized the applicant to file the permit application for the device. If the device will be under the control of a person other than the owner, that person must be identified in the application and, if not the applicant, that person's authorization for the filing of the application must be provided.
- (b) *Issuance.* The chief of police may issue an electronic amusement device permit after the applicant's completion of the application form and following an investigation of the applicant and the location.
- (c) *Denial.* The chief of police may deny a permit application if:
 - (1) The applicant fails to provide any of the information requested on the application;
 - (2) Any statement in the application is found to be false;
 - (3) The applicant has been convicted of any offenses related to minors, juveniles, gambling, obscenity, controlled substances, prostitution, or alcoholic beverages;
 - (4) Any person has been convicted of any offense relating to minors, juveniles, gambling, obscenity, controlled substances, prostitution, or alcoholic beverages occurring at the location for which the permit is being obtained;



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- (5) The applicant has been a principal owner, operator, manager, or supervisor of a location, the activities or patrons of which have caused a significant increase in harassing, disorderly or violent acts, criminal activity, vandalism, litter, liquor law violations, or noise or traffic congestion in or around the location;
- (6) In the police chief's opinion, after investigation of the proposed location, the proposed location would be reasonably likely to result in an increase in harassing, disorderly or violent acts, criminal activity, vandalism, litter, liquor law violations, noise, or traffic congestion; or
- (7) The proposed location would not comply with applicable city laws or requirements, including but not limited to the building code, fire code, housing code, plumbing code, and the land use ordinance.

An applicant may appeal the denial of an electronic amusement device permit by filing a written notice of appeal as provided in § 34-___.13.

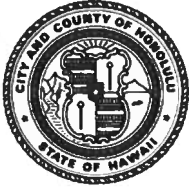
- (d) *Conditional permit.* Notwithstanding subsection (c)(4), the chief of police may issue a conditional permit if the applicant establishes to the satisfaction of the chief of police that the offense relating to minors, juveniles, gambling, obscenity, controlled substances, prostitution, or alcoholic beverages that a person has been convicted of or which occurred at the location:

- (1) Is not likely to recur;
- (2) Is remote in time; or
- (3) Occurred under circumstances that diminish the seriousness of the factor as it relates to the purpose of this article;

provided that a permit issued under this subsection must contain conditions directed at ensuring that the offense not recur.

§ 34-___.5 Conditions of permit holders.

- (a) Any person issued an electronic amusement device permit shall supervise the use and operation of the electronic amusement device to prevent its use or operation for any purpose contrary to the provisions of this article or any other applicable city, State, or federal law or requirement.



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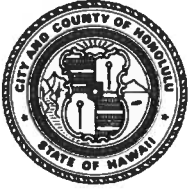
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- (b) Any person issued an electronic amusement device permit shall operate, maintain, and supervise the location and its premises, including its parking facilities, to prevent:
- (1) Violations of this article or any other applicable city, State, or federal law or requirement relating to minors, juveniles, gambling, obscenity, controlled substances, prostitution, alcoholic beverages, or crimes against persons or property, as these terms are defined by State statute, that are connected in a time and manner with the operation and proximity of the location and its premises;
 - (2) Harassing or disorderly acts on, in, or around the location and its premises; and
 - (3) Any significant increase in litter, noise, vehicular or pedestrian traffic congestion, or other locational problems in the area around the location and its premises.

§ 34-__6 Permits—General provisions.

- (a) *Required information.* All permits must contain information regarding the permittee's identity.
- (b) *Permit display.*
- (1) All electronic amusement device permits issued pursuant to this article must be:
 - (A) Displayed so as to be visible to the public at all times such device is in a location open to the public; or
 - (B) Visible to the public in the same room as the permitted electronic amusement device.
 - (2) The entire electronic amusement device permit must be visible.
 - (3) The permit must be displayed or affixed at all times that an electronic amusement device is available for display or operation.



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- (c) *Permits not transferable.* Electronic amusement device permits are not transferable.
- (d) *Applicability of other laws and requirements.* Nothing in this article may be construed to lessen or abrogate any city, State, or federal law or requirement.

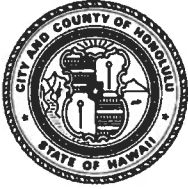
§ 34-___.7 Inspection of electronic amusement devices, records, and premises.

- (a) Any person issued an electronic amusement device permit under this article, or who controls any location in which a permitted electronic amusement device is located, must allow a police officer, or any other authorized city officer or employee, to enter the location for the limited purposes of inspecting records, electronic amusement devices, permits affixed to the devices, and premises regulated under this article to ensure compliance with this article.
- (b) Inspections may only be conducted during the normal business hours of the location.
- (c) Failure to allow an inspection will be grounds for suspension or revocation of an electronic amusement device permit.

§ 34-___.8 Prohibited Conduct.

A person who has been issued an electronic amusement device permit or who is in control of an electronic amusement device may not:

- (1) Display an expired permit;
- (2) Possess or control an electronic amusement device that has any paper, sticker, tag, or other device affixed, attached, or placed on the device which purports to be a permit issued by the city, or implies that the city has issued a permit when the paper, sticker, tag, or other device is not an electronic amusement device permit issued by the city;
- (3) Knowingly or intentionally use or permit the use or operation of an electronic amusement device for any gambling purposes, whether by operation of the electronic amusement device or based upon results obtained through use or operation of the device; or



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- (4) Transfer ownership of any electronic amusement location permitted under this article without first removing the electronic amusement device permit from the location.

§ 34-___.9 Permit suspension or revocation.

- (a) The chief of police may suspend or revoke any electronic amusement device permit upon finding reasonable grounds to believe, based upon an investigation, that:
- (1) Cause exists that would otherwise be grounds for the denial of the permit;
 - (2) An intentional or knowing violation by the permittee of any provision of this article has occurred; or
 - (3) Any violation by any person of any city, State, or federal law or requirement has occurred relating to gambling while using, operating, or playing any permitted electronic amusement device.

Persons who have been issued an electronic amusement device permit for a location are responsible for any gambling activity of any employee of the person relating to the amusement device while at the location.

- (b) A suspension or revocation of an electronic amusement device permit will not become effective until the permittee is served with written notice of the suspension or revocation, the reasons therefor, and the limited right of appeal pursuant to § 34-___.13, either personally or by delivery or posting of the notice at the location of the involved electronic amusement device or business. The suspension or revocation may be appealed by filing a written notice of appeal as provided in § 34-___.13.

§ 34-___.10 Violations—Sealing of electronic amusement devices or rendering them inoperable.

- (a) Upon a determination that any provision of this article has been violated, the chief of police shall issue a written notice of violation and assess civil penalties. The notice must state the nature of the violation, the date of the violation, the date by which such violation must be corrected, and the amount of any civil penalties that must be paid to prevent the electronic amusement device from



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being sealed. The person responsible for the violation has five days in which to correct the violation.

- (b) If a violation is not corrected and applicable civil penalties paid within the time period allowed in subsection (a), the chief of police may seal the coin slot of any electronic amusement device involved in the violation or otherwise render the amusement device inoperable. If an electronic amusement device is sealed or otherwise rendered inoperable, the chief of police may remove the seal or make the device operable again only if the person responsible for the violation has corrected the violation and paid any penalties imposed under this article.
- (c) A person other than the chief of police may not remove or alter the seal placed pursuant to subsection (b) or make the device operable. If a seal is unlawfully removed or altered or if the electronic amusement device is unlawfully made operable, the electronic amusement device will be subject to seizure and destruction pursuant to this subsection.
- (d) If a permittee has been issued a notice of violation, the chief of police may, for any subsequent violation within the same calendar year, seal or otherwise render inoperable any electronic amusement device and impose penalties without first issuing a notice of violation or allowing time for correction of the violation.
- (e) An electronic amusement device that has been sealed or otherwise rendered inoperable by the chief of police is subject to seizure and destruction as a public nuisance:
 - (1) If the violation is not corrected and all penalties paid within five days of the sealing or rendering inoperable the electronic amusement device; or
 - (2) Upon the occurrence of any subsequent violation of this article by any one owner or operator within any calendar year.
- (f) The Honolulu police department will conduct any seizure of the electronic amusement devices. The department of the prosecuting attorney is authorized to bring any suit or action for the destruction of the electronic amusement devices as a public nuisance.
- (g) The owner of any electronic amusement device seized for destruction may, within 10 days of the permittee being served with written notice of such seizure, file a written notice of appeal as provided in § 34-___.13.



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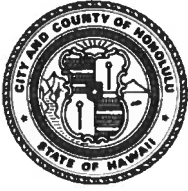
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§ 34-__11 Enforcement—implementation.

- (a) The chief of police is authorized to enforce all the provisions of this chapter.
- (b) The chief of police may adopt procedures and forms necessary to implement the provisions of this chapter.

§ 34-__12 Penalties.

- (a) *Civil Penalties.* A person who violates any provision of this article or any condition of an electronic amusement device permit will be subject to civil fines as follows. As used in this subsection, "first offense" means an offense that does not occur within one year of the occurrence of a previous offense involving the same person.
 - (1) *Operators.* Any operator violating any provision of this article will be subject to:
 - (A) A fine of \$500 per unregistered device displayed or in operation for the first offense;
 - (B) A fine of \$1,000 per unregistered device displayed or in operation, if the offense occurred within 12 months of the occurrence of one previous offense involving the same provision; or
 - (C) A fine of \$2,000 per unregistered device displayed or in operation, if the offense occurred within 12 months of the occurrence of two or more previous offenses involving the same provision.
 - (2) *Property owners and property managers.* Any property owner or property manager whose property is in violation of any provision of this article and who fails to take action to remediate the violation will be subject to:
 - (A) A fine of \$250 per unregistered device displayed or in operation for the first offense;
 - (B) A fine of \$500 per unregistered device displayed or in operation, if the offense occurred within 12 months of the occurrence of one previous offense involving the same provision; or



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- (C) A fine of \$1,000 per unregistered device displayed or in operation, if the offense occurred within 12 months of the occurrence of two or more previous offenses involving the same provision.
- (b) *Criminal penalties.*
- (1) Any operator, property owner, or property manager that, upon request by a law enforcement officer, refuses to provide identification, a current personal or business address, and a contact phone number upon discovery of a violation of this article, will be guilty of a petty misdemeanor.
- (2) Any person who violates any provision of this article or any condition of an electronic amusement device permit will be punishable upon conviction by a criminal fine of not exceeding \$500 or by imprisonment for not more than six months, or by both; provided that the person knowingly or intentionally violated the provision or condition.
- (c) The chief of police will provide notice of the assessment of civil fines in the notice of violation under § 34-___.10(a).
- (d) No person assessed a civil fine under this section may be issued a permit under this article until all civil fines have been paid in full.
- (e) Any person assessed a civil fine may, within 10 days of receiving the written order imposing the fine, file a written notice of appeal as provided in § 34-___.13.

§ 34-___.13 Appeals.

- (a) Any person aggrieved by the police chief's decision to deny, revoke, or suspend a permit, impose a civil penalty, or seize an electronic amusement device for destruction may file an appeal.
- (b) The notice of appeal must be filed with the chief of police within 10 days of receiving the notice of the decision. The notice of appeal must state the name and address of the appellant to which all required notices should be mailed. The notice of appeal shall also indicate the reasons why the appealed action was wrong and what the correct determination should be.
- (c) The appeal will be subject to the contested case procedures of HRS Chapter 91 and heard by a hearings officer appointed by the chief of police. The chief of



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police shall appoint as the hearing officer a city executive branch officer or employee who did not participate in the appealed decision.

§ 34-___.14 Rules.

The chief of police may adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement of this article.

§ 34-___.15 Conflict with State law.

Nothing in this article is intended to conflict with the provisions of State law concerning gambling, gambling devices, or lotteries. In the event of direct and express conflict between this article and State law, the provisions of State law control."



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SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

A. Iyola
Glen Des Santos

DATE OF INTRODUCTION:

JAN 29 2025
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:

Electronic Amusement Devices; Regulation of Business; Property Owners; Property Managers; Violation; Civil Penalties; Criminal Penalties; Rulemaking Authority; Honolulu Police Department ("HPD")

Description:

Creates a regulatory system of permits for the display and use of electronic amusement devices. Designates the Chief of Police of the HPD, or the chief's designee, as the official responsible for the issuance of the electronic amusement device permits. Provides the Chief of Police of the HPD with rulemaking authority. Establishes penalties for non-compliance.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.