

Charter Amendment relating to Penalties (PEA-10(10))

Proposal Details	<p>The proposed amendment to Section 13-10 of the Charter will:</p> <ol style="list-style-type: none">1) Create a separate penalty for the operation of a transient accommodation without a necessary permit, which shall not exceed a civil fine of \$20,000, plus \$10,000 per day for each day the unlawful operation persists, unless a higher fine is authorized by State law.2) Define “transient accommodation” to include transient vacation rentals, bed and breakfast homes, short-term rental homes, and other categories of transient accommodation established by ordinance.3) Clarify the penalty for violations of ordinances and rules having the force and effect of law shall not exceed the amount of \$1,000 per day for each day the violation persists.
Current Process	<p>There is a maximum penalty of \$1,000, or one year’s imprisonment, or both, for the violation of ordinances and rules having the force and effect of law.</p>
Why the change	<p>Setting a separate, higher fine for the operation of a transient accommodation without a necessary permit will provide a strong deterrent against such violations of the County’s comprehensive zoning ordinance.</p>
Cost Implications	<p>None</p>
Changes to the Maui County Code (MCC)	<p>Section 19.04.040, MCC, Definitions; Chapter 19.530, MCC, Enforcement.</p>
Proposed Ballot Question	<p>“Shall the Charter be amended, effective January 2, 2019, to increase the penalty for the operation of a transient accommodation without a necessary permit from the current \$1,000 amount to a civil fine of up to \$20,000 plus \$10,000 per day for each day the unlawful operation persists, unless a higher fine is authorized by State law, and to clarify that the current limit of a \$1,000 fine for the violation of an ordinance is a limit of \$1,000 per day the violation persists?”</p>
Effective Date	<p>January 2, 2019</p>

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(*PEA Committee Chair*)