

REQUEST FOR LEGAL SERVICES

Date: June 4, 2019

From: Shane M. Sinenci, Chair

Environmental, Agricultural, and Cultural Preservation Committee

RECEIVED
CORPORATION COUNSEL
2019 JUN -5 PM 2:08

TRANSMITTAL

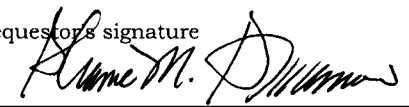
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Richelle Thomson, Esq.

Subject: PROHIBITING COMMERCIAL OCEAN RECREATIONAL ACTIVITY AT HANAKAO`O BEACH PARK (EACP-27)

Background Data: Please incorporate revisions reflected in the attached mark-up and, if appropriate, approve the revised proposed bill as to form and legality. A hard copy of the bill is requested with your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

RECEIVED
2019 JUN -6 AM 11:25
OFFICE OF THE
COUNTY COUNCIL

Requestor's signature  Shane M. Sinenci	Contact Person Carla Nakata or Wesley Crile (Telephone Extension: 7659 or 7663, respectively)
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- ROUTINE (WITHIN 15 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): June 7, 2019
REASON: For posting on the June 21, 2019 Council meeting agenda

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>RMT</u>	ASSIGNMENT NO. <u>2019-0096</u> <u>2017-0706</u>	BY: <u>JW</u>
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

DEPARTMENT OF THE CORPORATION COUNSEL

Date 6/6/2019

By 

(Rev. 7/03)

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.290, MAUI COUNTY CODE, TO PROHIBIT COMMERCIAL OCEAN RECREATIONAL ACTIVITY AT HANAKAO`O BEACH PARK

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this ordinance is to amend section 13.04A.290, Maui County Code, to prohibit commercial ocean recreational activity at Hanakao`o Beach Park, Lahaina, Maui, Hawaii, also known as "Canoe Beach," because commercial ocean recreational activity has proven to be increasingly incompatible with the growing need to house recreational and cultural canoe activities at the beach park.

According to Subsection 13.04A.330(A), Maui County Code, existing commercial ocean recreational activity permits may be issued for up to one year before expiring automatically. The prohibition will allow existing permit holders to continue their operation at Hanakao`o Beach Park until those permits expire.

SECTION 2. Section 13.04A.290, Maui County Code, is amended to read as follows:

"13.04A.290 Prohibitions. Commercial ocean recreational activity requiring a permit under subsection 13.04A.300(A) is prohibited at Baldwin Beach Park, Cove Park, Hookipa Beach Park, Kamaole Beach Park I, Kamaole Beach Park II, Kamaole Beach Park III, the southern portion of Kalama Park (the section of Kalama Park from the sand beach at Cove Park to the [southern most] southernmost parking area adjacent to South Kihei Road),

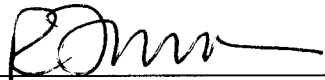
Launiupoko Beach Park, [and] Puamana Beach Park~~[.]~~, and Hanakao`o Beach Park.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. A holder of a valid commercial ocean recreational activity permit issued for Hanakao`o Beach Park pursuant to Article VII of Chapter 13.04A, Maui County Code, as of the effective date of this ordinance, may continue to operate until the permit expires, provided the permit holder is in compliance with permit requirements.

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

paf:cmn:19-182a
LF 2017-0706
EACP-27 2019-06-05 Ordinance