

COUNCIL OF THE COUNTY OF MAUI
WATER AND INFRASTRUCTURE
COMMITTEE

November 7, 2025

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Water and Infrastructure Committee, having met on October 21, 2025, makes reference to Bill 156 (2025), entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.52, MAUI COUNTY CODE, ON ENCROACHMENTS ON PUBLIC RIGHTS-OF-WAY.”

Bill 156’s purpose is to allow for the replacement of awnings, canopies, marquees, signs, or similar structures encroaching a public right-of-way that were damaged or destroyed by an emergency or disaster declared by proclamation of the Governor or the Mayor under Section 127A-14, Hawai‘i Revised Statutes, subject to certain conditions.

Your Committee notes that the bill supports recovery and rebuilding efforts by allowing property owners to replace historic structures that were damaged or lost during the August 2023 Maui wildfires.

Your Committee further notes that the bill allows for the replacement of historic features where public health and safety are protected and building code requirements are met.

Your Committee is in receipt of a proposed CD1 version of Bill 156, entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.52, MAUI COUNTY CODE, RELATING TO ENCROACHMENTS ON PUBLIC RIGHTS-OF-WAY,” approved as to form and legality by the Department of the Corporation Counsel. The proposed CD1 version:

1. Replaces the term “replacement encroachment” with “replacement overhead encroachment” and clarifies that the definition applies only to a structure located partly or wholly

COUNCIL OF THE COUNTY OF MAUI
WATER AND INFRASTRUCTURE
COMMITTEE

Page 2

Committee
Report No. _____

over a public right-of-way, including an awning, canopy, marquee, or sign.

2. In proposed Code Section 12.52.050, removes the phrase “to an extent of more than 50 percent of its replacement cost” and makes conforming amendments.
3. Removes language about zoning and other violations.
- 4, Incorporates nonsubstantive and technical revisions for clarity, consistency, and style.

Your Committee expressed support for Bill 156, CD1, which aligns with the County’s ongoing recovery efforts and ensures consistency with other post-disaster rebuilding measures.

Your Committee voted 6-0 to recommend passage of Bill 156, CD1 (2025), on first reading. Committee Chair Cook, Vice-Chair Sugimura, and members Johnson, Paltin, Sinenci, and U‘u-Hodgins voted “aye.” Committee members Kama, Lee, and Rawlins-Fernandez were excused.

Your Committee is in receipt of Bill 156, CD1 (2025), approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s recommended revisions and nonsubstantive revisions.

Your Water and Infrastructure Committee RECOMMENDS that Bill 156, CD1 (2025), attached, entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.52, MAUI COUNTY CODE, RELATING TO ENCROACHMENTS ON PUBLIC RIGHTS-OF-WAY,” be PASSED ON FIRST READING and be ORDERED TO PRINT.

COUNCIL OF THE COUNTY OF MAUI

WATER AND INFRASTRUCTURE COMMITTEE

Page 3

**Committee
Report No.** _____

This report is submitted in accordance with Rule 3 of the Rules of the Council.



TOM COOK, Chair

wai:cr:25017aa:kjh

ORDINANCE NO. _____

BILL NO. 156, CD1 (2025)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.52, MAUI COUNTY
CODE, RELATING TO ENCROACHMENTS ON PUBLIC RIGHTS-OF-WAY

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

SECTION 1. The County recognizes the historical character of Front Street in Lahaina and other streets in Maui County’s treasured towns where awnings, canopies, marquees, signs, and similar features were often built over sidewalks and other public rights-of-way. To prepare for the rebuilding of commercial areas damaged by the August 8, 2023 wildfires, this Ordinance’s purpose is to allow replacement of those historic features where public health and safety are protected and building code requirements are met.

SECTION 2. Section 12.52.020, Maui County Code, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Replacement overhead encroachment” means the siting of an awning, canopy, marquee, sign, or other similar structure located partly or wholly over a public right-of-way that replaces a legally constructed overhead structure that was damaged or destroyed by an emergency or disaster.”

SECTION 3. Chapter 12.52, Maui County Code, is amended by adding a new section, to read as follows:

“12.52.050 Replacement overhead encroachments permissible. A replacement overhead encroachment that is damaged or destroyed by an emergency or disaster proclaimed by the governor or mayor under section 127A-14, Hawai‘i Revised

Statutes, is permitted over a public right-of-way and may be repaired or replaced, subject to the following conditions:

1. The replacement overhead encroachment was legally constructed before the emergency or disaster proclamation.

2. The replacement overhead encroachment is repaired or reconstructed to the same size and scale as was legally constructed.

3. The replacement overhead encroachment is permitted under the building code.

4. Any replacement overhead encroachment with less than 15 feet of clearance above the finish grade beneath the encroachment does not interfere with public health and safety as determined by the director.

5. If any maintenance, repair, or improvement of the public right-of-way requires the modification or removal of the replacement overhead encroachment, the property owner will cooperate with the director's requests in a timely manner at their own cost and expense.

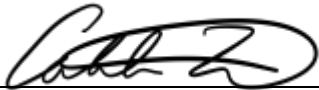
6. The property owner is responsible for the maintenance and repair of the replacement overhead encroachment.

7. Liability for any claims for injury or damage to persons or property arising out of, or in connection with, the replacement overhead encroachment is the property owner's responsibility."

SECTION 4. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

wai:misc:017abill01:kjh

INTRODUCED BY:

A handwritten signature in blue ink, appearing to read "Tom Cook", is written over a horizontal line.

TOM COOK