

ORDINANCE NO. \_\_\_\_\_

BILL NO. 142, CD1 (2024)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04D,  
MAUI COUNTY CODE, RELATING TO THE PROCEDURE FOR NOTICES OF  
WARNING AND VIOLATIONS

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

SECTION 1. This Ordinance's purposes are to require the Department of Fire and Public Safety to send copies of notices of warning and violations on County property to the Office of the Mayor, Managing Director, and Council Chair; allow for civil fines collected under the County Fire Code to be deposited into the Fire Hazard Removal Revolving Fund; and allow the Department of Fire and Public Safety to require violators to submit a fire prevention plan when a second violation occurs.

SECTION 2. Section 16.04D.160, Maui County Code, is amended by adding a new subsection to be appropriately designated as subsection 1.16.2.1.2 and to read as follows:

**"1.16.2.1.2 For any warning notice issued for violations occurring on County property, a copy of the warning notice must be sent to the office of the mayor, managing director, and council chair."**

SECTION 3. Section 16.04D.160, Maui County Code, is amended by amending subsection 1.16.3.3 to read as follows:

**"1.16.3.3 The notice of violation and order may require the person to do any or all of the following:**

1. Cease and desist from the violation.

2. Correct the violation at the person's own expense before a date specified in the order.

3. Pay an initial civil fine not to exceed \$1,000 [pursuant to] under this chapter in the manner, at the place, and before the date specified in the order.

4. Pay a civil fine not to exceed \$1,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.

Fines that are collected will be deposited into the fire hazard removal revolving fund as established by chapter 3.68, Maui County Code.

When a second violation occurs, the notice of violation and order may require the person to submit a fire prevention plan for the property subject to the second violation. The fire prevention plan must include a proposed remedy and maintenance plan for the property and a description of the corrective actions that will be taken by the person to address hazard complaints. The fire prevention plan must also include a 12-month timeline from the date of violation describing when the corrective actions will take place. The fire prevention plan must be submitted to the fire chief within 90 days of the issuance of notice for the second violation."

SECTION 4. 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 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

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Department of the Corporation Counsel  
County of Maui

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INTRODUCED BY:

*Tamara A.M. Paltin*

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TAMARA PALTIN

DIGEST

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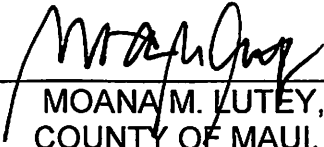
This bill proposes to amend the Fire Code by: 1) requiring the Department of Fire and Public Safety to send copies of notices of warning and violations on County property to the Office of the Mayor, Managing Director, and Council Chair; 2) allowing for civil fines collected under the Fire Code to be deposited into the Fire Hazard Removal Revolving Fund; and 3) authorizing the Department of Fire and Public Safety to require violators to submit a fire prevention plan when a second violation occurs.

I, MOANA M. LUTEY, County Clerk of the County of Maui, State of Hawaii, DO  
HEREBY CERTIFY that the foregoing BILL NO. 142, CD1 (2024) was passed on First  
Reading by the Council of the County of Maui, State of Hawaii, on the 15th day of  
November, 2024, by the following vote:

AYES: Councilmembers Tom Cook, Gabriel Johnson, Natalie A. Kama,  
Tamara A. M. Paltin, Keani N. W. Rawlins-Fernandez, Shane M.  
Sinenci, Nohelani U'u-Hodgins, Vice-Chair Yuki Lei K. Sugimura,  
and Chair Alice L. Lee.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 18th of November, 2024.

  
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MOANA M. LUTEY, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,  
County of Maui, for use and examination by the public.