

ORDINANCE NO. _____

BILL NO. 142 (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. The bill's purpose is to require the Department of Fire and Public Safety send copies of notices of warning and violation relating to violations on county property to the Office of the Mayor, the Managing Director, and the Council Chair and to allow the Department of Fire and Public Safety to require violators to submit a fire prevention plan.

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

“1.16.2.1.2 Section 1.16 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection 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, the Managing Director, and the Council Chair.”

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

“16.04D.160 Section 1.16 amended. Section 1.16 of the NFPA 1, as amended by the State Fire 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 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 per day for each day in which the violation persists, in the manner and at the time and place 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.
5. Submit a fire prevention plan for the property subject to violation. The fire prevention plan must include a proposed remedy and maintenance plan for the property and a description of the corrective action(s) 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 action(s) will take place. The fire prevention plan must be submitted to the fire chief within 90 days of the issuance of the notice.”

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 Material to be repealed is bracketed.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

Department of the Corporation Counsel
County of Maui

paf:mkm:24-204a

INTRODUCED BY:

Tamara A.M. Paltin

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