

REQUEST FOR LEGAL SERVICES

Date: September 7, 2016
From: Elle Cochran, Chair
Infrastructure and Environmental Management Committee

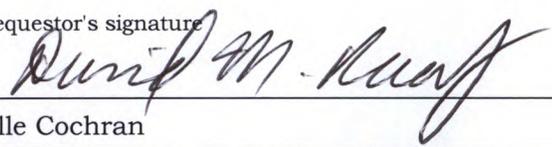
TRANSMITTAL

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

Subject: AMENDING CHAPTER 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED, KIHEI DISTRICT (IEM-75)

Background Data: Attached proposed bill has been revised with nonsubstantive revisions to remove crosswalks established in Kihei and Kahului from subsection A (Wailuku district), and insert those crosswalks in new subsections F (Kihei district) and G (Kahului district) for clarity and consistency. Please include the revised hard copy in your response.

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

Requestor's signature  Elle Cochran	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: <u>7134</u>)
---	---

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): September 9, 2016.
REASON: For September 12, 2016 IEM Committee meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
--------------	----------------	-----

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 _____

By _____

(Rev. 7/03)

iem:ltr:075acc01:ske

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2016)

A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042,
MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED

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

SECTION 1. Section 10.60.042, Maui County Code, is amended by
amending subsection A to read as follows:

“A. Wailuku district. Pedestrian crosswalks are established
in the Wailuku district at the following locations:

1. Not less than twelve feet in width on that portion
of Lower Main Street [in Wailuku], the center line of the
crosswalk being three hundred feet southwest of the
prolongation of the south curblineline of Hoomana Street across
Lower Main Street.

2. Not less than twelve feet in width on that portion
across Nakoa Drive [in Wailuku], along the prolongation of the
southerly shoulder of Kainani Street.

3. Not less than twelve feet in width on that portion
of Puunene Avenue in Kahului, between the northern end of
H.C.&S. garage and the H.C.&S. Co. automotive maintenance
repair shop at Puunene.

4] 3. Not less than ten feet in width on that portion
across Mill Street [in Wailuku], approximately two hundred
ninety feet east of the junction of Mill Street and Halewili
Drive.

5. Not less than twelve feet in width on that portion
of Kihei Road in Kihei, near power pole number 187,
approximately one thousand two hundred feet north of the
junction of Kihei Road and Kilohana Drive.

6. Not less than ten feet on that portion of Kihei
Road across Kalama Park in Kihei, the center line of the
crosswalk being opposite power pole number 149.

7] 4. Not less than eight feet in width on that portion
of Wells Street [in Wailuku], approximately one hundred
eighty feet from High Street, in line with the walkway leading
to the State [Building;] building.

[8. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, near utility pole number 97, approximately two hundred feet north of Uwapo Road.

9. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, on the south side of the intersection of South Kihei Road and Wailana Place.

10. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, near Kaonoulu Street fronting Maui Lu Resort.

11. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, near utility pole number 146 fronting Kalama Park.

12. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, near utility pole number 150A fronting Kalama Park.

13. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, across Kamaole Beach Park number one.

14. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, near utility pole number 176A fronting Kamaole Beach Park number two.

15. Not less than twelve feet in width on that portion of Lipoa Street in Kihei, west (Makai) of the entrance to Kihei School.

16. Not less than twelve feet in width on that portion of South Papa Avenue in Kahului, approximately one hundred feet from the Kihei side of the entrance to Lihikai School.

17. Not less than twelve feet in width on that portion of South Papa Avenue in Kahului, approximately seventy-five feet from the Waihee side of the exit to Lihikai School.

18. Not less than twelve feet in width on that portion of Maalo Street in Kahului, approximately two hundred eighty feet east of South Papa Avenue.]

19] 5. Not less than twelve feet in width on that portion of Kaohu Street [in Wailuku], along the westerly prolongation of the shoulder area of Kiele Street.

[20] 6. Not less than eight feet in width on that portion of Kaohu Street [in Wailuku], four hundred fifty feet west of Waiale Road.

[21. On that portion of South Kihei Road in Kihei, fronting Kai Makani, approximately eight hundred feet south of Ohukai Road.

22. Not less than ten feet in width on that portion of South Kihei Road in Kihei, fronting Kamaole Beach Park number two and approximately seven hundred feet north of Keonekai Road.

23. Not less than ten feet in width on that portion of South Kihei Road in Kihei, six hundred twenty feet south of the centerline of Keonekai Road.

24] 7. Not less than ten feet on that portion of Lower Main Street [in Wailuku], fronting Hale Makua, approximately six hundred twenty-five feet southwest from the edge of Mill Street.

[25] 8. Not less than ten feet on that portion of Lower Main Street [in Wailuku], fronting St. Anthony Grade School, approximately seven hundred ten feet southwest from the edge of Mill Street.

[26] 9. Not less than ten feet on that portion of Lower Main Street [in Wailuku], fronting St. Anthony Junior-Senior High School football field, approximately three hundred seventy-five feet northwest from the edge of Mission Street.

[27. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, approximately one thousand three hundred feet south of the intersection of Alanui Ke Alii Road and South Kihei Road.

28. On that portion of South Kihei Road in Kihei, fronting Mana Kai Maui, approximately four hundred feet south of the intersection of Ala Koa Street and South Kihei Road.

29. On that portion of Kanani Road in Kihei, approximately four hundred fifty feet east of South Kihei Road.

30] 10. On the portion of Lower Main Street [in Wailuku], approximately four hundred feet north of Mill Street.”

SECTION 2. Section 10.60.042, Maui County Code, is amended by inserting a new subsection F to read as follows:

“F. Kihei district. Pedestrian crosswalks are established in the Kihei district at the following locations:

1. Not less than twelve feet in width on that portion of South Kihei Road, near pole number 187 of Maui Electric Company, approximately one thousand two hundred feet north of the junction of South Kihei Road and Kilohana Drive.

2. Not less than ten feet on that portion of South Kihei Road across Kalama Park, the center line of the crosswalk being opposite pole number 149 of Maui Electric Company.

3. Not less than twelve feet in width on that portion of South Kihei Road, near utility pole number 97, approximately two hundred feet north of Uwapo Road.

4. Not less than twelve feet in width on that portion of South Kihei Road, on the south side of the intersection of South Kihei Road and Wailana Place.

5. Not less than twelve feet in width on that portion of South Kihei Road, near Kaonoulu Street fronting the old Maui Lu Resort.

6. Not less than twelve feet in width on that portion of South Kihei Road, near utility pole number 146 fronting Kalama Park.

7. Not less than twelve feet in width on that portion of South Kihei Road, near utility pole number 150A fronting Kalama Park.

8. Not less than twelve feet in width on that portion of South Kihei Road, across Kamaole Beach Park I.

9. Not less than twelve feet in width on that portion of South Kihei Road, near utility pole number 176A fronting Kamaole Beach Park II.

10. Not less than twelve feet in width on that portion of Lipoa Street, west of the entrance to Kihei Elementary School.

11. On that portion of South Kihei Road, fronting Kai Makani Beach Villas, approximately eight hundred feet south of Ohukai Road.

12. Not less than ten feet in width on that portion of South Kihei Road, fronting Kamaole Beach Park II and approximately seven hundred feet north of Keonekai Road.

13. Not less than ten feet in width on that portion of South Kihei Road, six hundred twenty feet south of the centerline of Keonekai Road.

14. Not less than twelve feet in width on that portion of South Kihei Road, approximately one thousand three hundred feet south of the intersection of Ke Alii Alanui Road and South Kihei Road.

15. On that portion of South Kihei Road, fronting Mana Kai Maui Resort, approximately four hundred feet south of the intersection of Ala Koa Street and South Kihei Road.

16. On that portion of Kanani Road, approximately four hundred fifty feet east of South Kihei Road.

17. On that portion of South Kihei Road, approximately one thousand five hundred twenty-five feet south of Ohukai Road.”

SECTION 3. Section 10.60.042, Maui County Code, is amended by inserting a new subsection G to read as follows:

“G. Kahului district. Pedestrian crosswalks are established in the Kahului district at the following locations:

1. Not less than twelve feet in width on that portion of Puunene Avenue, between the northern end of the Hawaiian Commercial & Sugar Company garage and automotive maintenance repair shop at Puunene.

2. Not less than twelve feet in width on that portion of South Papa Avenue, approximately one hundred feet from the Kihei side of the entrance to Lihikai Elementary School.

3. Not less than twelve feet in width on that portion of South Papa Avenue, approximately seventy-five feet from the Waihee side of the exit to Lihikai Elementary School.

4. Not less than twelve feet in width on that portion of Maalo Street, approximately two hundred eighty feet east of South Papa Avenue.”

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 shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

iem:misc:075abill01:ske

ORDINANCE NO. _____

BILL NO. _____ (20156)

A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042,
MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED

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

SECTION 1. Section 10.60.042, Maui County Code, is amended by
amending subsection A to read as follows:

“A. Wailuku district. Pedestrian crosswalks are established
in the Wailuku district at the following locations:

1. Not less than twelve feet in width on that portion
of Lower Main Street [in Wailuku], the center line of the
crosswalk being three hundred feet southwest of the
prolongation of the south curblineline of Hoomana Street across
Lower Main Street~~].~~

2. Not less than twelve feet in width on that portion
across Nakoa Drive [in Wailuku], along the prolongation of the
southerly shoulder of Kainani Street~~].~~

~~3.~~ Not less than twelve feet in width on that portion
of Puunene Avenue in Kahului, between the northern end of
H.C.&S. garage and the H.C.&S. Co. automotive maintenance
repair shop at Puunene~~].~~

~~4]~~3. Not less than ten feet in width on that portion
across Mill Street [in Wailuku], approximately two hundred
ninety feet east of the junction of Mill Street and Halewili
Drive~~].~~

~~5.~~ Not less than twelve feet in width on that portion
of Kihei Road in Kihei, near power pole number 187,
approximately one thousand two hundred feet north of the
junction of Kihei Road and Kilohana Drive~~].~~

6. Not less than ten feet on that portion of Kihei
Road across Kalama Park in Kihei, the center line of the
crosswalk being opposite power pole number 149~~].~~

~~7]~~4. Not less than eight feet in width on that portion
of Wells Street [in Wailuku], approximately one hundred
eighty feet from High Street, in line with the walkway leading
to the State [Building;] building.

[8. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, near utility pole number 97, approximately two hundred feet north of Uwapo Road[.].

9. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, on the south side of the intersection of South Kihei Road and Wailana Place[.].

10. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, near Kaonoulu Street fronting Maui Lu Resort[.].

11. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, near utility pole number 146 fronting Kalama Park[.].

12. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, near utility pole number 150A fronting Kalama Park[.].

13. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, across Kamaole Beach Park [number one-;]I.

14. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, near utility pole number 176A fronting Kamaole Beach Park [number two;]II.

15. Not less than twelve feet in width on that portion of Lipoa Street in Kihei, west [(Makai)] (makai) of the entrance to Kihei Elementary School[.].

[16. Not less than twelve feet in width on that portion of South Papa Avenue in Kahului, approximately one hundred feet from the Kihei side of the entrance to Lihikai Elementary School[.].

17. Not less than twelve feet in width on that portion of South Papa Avenue in Kahului, approximately seventy-five feet from the Waihee side of the exit to Lihikai Elementary School[.].

18. Not less than twelve feet in width on that portion of Maalo Street in Kahului, approximately two hundred eighty feet east of South Papa Avenue[.].

[19]5. Not less than twelve feet in width on that portion of Kaohu Street [in Wailuku], along the westerly prolongation of the shoulder area of Kiele Street[.].

[20]6. Not less than eight feet in width on that portion of Kaohu Street [in Wailuku], four hundred fifty feet west of Waiale Road[.].

[21. On that portion of South Kihei Road in Kihei, fronting Kai Makani, approximately eight hundred feet south of Ohukai Road[.].

22. Not less than ten feet in width on that portion of South Kihei Road in Kihei, fronting Kamaole Beach Park

~~[number two] H and approximately seven hundred feet north of Keonekai Road [;].~~

23. Not less than ten feet in width on that portion of South Kihei Road in Kihei, six hundred twenty feet south of the centerline of Keonekai Road [;].

~~[24] 7.~~ Not less than ten feet on that portion of Lower Main Street [in Wailuku], fronting Hale Makua, approximately six hundred twenty-five feet southwest from the edge of Mill Street [;].

~~[25] 8.~~ Not less than ten feet on that portion of Lower Main Street [in Wailuku], fronting St. Anthony Grade School, approximately seven hundred ten feet southwest from the edge of Mill Street [;].

~~[26] 9.~~ Not less than ten feet on that portion of Lower Main Street [in Wailuku], fronting St. Anthony Junior-Senior High School football field, approximately three hundred seventy-five feet northwest from the edge of Mission Street [;].

[27. Not less than twelve feet in width on that portion of South Kihei Road in Kihei, approximately one thousand three hundred feet south of the intersection of Alanui Ke Alii Road and South Kihei Road [;].

28. On that portion of South Kihei Road in Kihei, fronting Mana Kai Maui, approximately four hundred feet south of the intersection of Ala Koa Street and South Kihei Road [;].

29. On that portion of Kanani Road in Kihei, approximately four hundred fifty feet east of South Kihei Road.]

~~[30] 10. On the portion of Lower Main Street [in Wailuku], approximately four hundred feet north of Mill Street.”~~

SECTION 2. Section 10.60.042, Maui County Code, is amended by inserting a new subsection F to read as follows:

~~30.— On that portion of South Kihei Road in Kihei, approximately one thousand five hundred twenty five feet south of Ohukai Road.~~

“F. Kihei district. Pedestrian crosswalks are established in the Kihei district at the following locations:

1. Not less than twelve feet in width on that portion of South Kihei Road [in Kihei], near [power] pole number 187 of Maui Electric Company, approximately one thousand two

hundred feet north of the junction of South Kihei Road and Kilohana Drive.

2. Not less than ten feet on that portion of South Kihei Road across Kalama Park ~~[in Kihei]~~, the center line of the crosswalk being opposite ~~[power]~~ pole number 149 of Maui Electric Company.

3. Not less than twelve feet in width on that portion of South Kihei Road ~~[in Kihei]~~, near utility pole number 97, approximately two hundred feet north of Uwapo Road.

4. Not less than twelve feet in width on that portion of South Kihei Road ~~[in Kihei]~~, on the south side of the intersection of South Kihei Road and Wailana Place.

5. Not less than twelve feet in width on that portion of South Kihei Road ~~[in Kihei]~~, near Kaonoulu Street fronting the old Maui Lu Resort.

6. Not less than twelve feet in width on that portion of South Kihei Road ~~[in Kihei]~~, near utility pole number 146 fronting Kalama Park.

7. Not less than twelve feet in width on that portion of South Kihei Road ~~[in Kihei]~~, near utility pole number 150A fronting Kalama Park.

8. Not less than twelve feet in width on that portion of South Kihei Road ~~[in Kihei]~~, across Kamaole Beach Park ~~[number one]~~ I.

9. Not less than twelve feet in width on that portion of South Kihei Road ~~[in Kihei]~~, near utility pole number 176A fronting Kamaole Beach Park ~~[number two]~~ II.

10. Not less than twelve feet in width on that portion of Lipoa Street ~~[in Kihei]~~, west ~~[(Makai)]~~ of the entrance to Kihei Elementary School.

11. On that portion of South Kihei Road ~~[in Kihei]~~, fronting Kai Makani Beach Villas, approximately eight hundred feet south of Ohukai Road.

12. Not less than ten feet in width on that portion of South Kihei Road, ~~[in Kihei]~~, fronting Kamaole Beach Park ~~[number two]~~ II and approximately seven hundred feet north of Keonekai Road.

13. Not less than ten feet in width on that portion of South Kihei Road ~~[in Kihei]~~, six hundred twenty feet south of the centerline of Keonekai Road.

14. Not less than twelve feet in width on that portion of South Kihei Road ~~[in Kihei]~~, approximately one thousand three hundred feet south of the intersection of ~~[Alanui]~~ Ke Alii Alanui Road and South Kihei Road.

15. On that portion of South Kihei Road ~~[in Kihei]~~, fronting Mana Kai Maui Resort, approximately four hundred

feet south of the intersection of Ala Koa Street and South Kihei Road.

16. On that portion of Kanani Road ~~[in Kihei]~~, approximately four hundred fifty feet east of South Kihei Road.

17. On that portion of South Kihei Road, approximately one thousand five hundred twenty-five feet south of Ohukai Road.”

SECTION 3. Section 10.60.042, Maui County Code, is amended by inserting a new subsection G to read as follows:

“G. Kahului district. Pedestrian crosswalks are established in the Kahului district at the following locations:

1. Not less than twelve feet in width on that portion of Puunene Avenue ~~[in Kahului]~~, between the northern end of ~~[H.C.&S.]~~ the Hawaiian Commercial & Sugar Company garage and ~~[the H.C.&S. Co.]~~ automotive maintenance repair shop at Puunene.

2. Not less than twelve feet in width on that portion of South Papa Avenue ~~[in Kahului]~~, approximately one hundred feet from the Kihei side of the entrance to Lihikai Elementary School.

3. Not less than twelve feet in width on that portion of South Papa Avenue ~~[in Kahului]~~, approximately seventy-five feet from the Waihee side of the exit to Lihikai Elementary School.

4. Not less than twelve feet in width on that portion of Maalo Street ~~[in Kahului]~~, approximately two hundred eighty feet east of South Papa Avenue.”

SECTION ~~24~~. 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 ~~35~~. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

MICHAEL J. HOPPER

Deputy Department of the Corporation Counsel
County of Maui

2015-5226

iem:misc:075abil101:ske