

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

BILL NO. 60 (2019)

A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.290, MAUI COUNTY CODE, TO PROHIBIT COMMERCIAL OCEAN RECREATIONAL ACTIVITY AT WAHIKULI WAYSIDE 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 Wahikuli Wayside Park, Lahaina, Maui, Hawaii, because commercial ocean recreational activity has proven to be increasingly incompatible with the growing need to house recreational and cultural 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 Wahikuli Wayside Park until those permits expire.

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

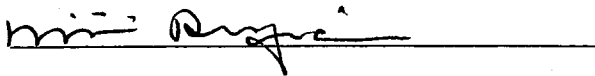
**"13.04A.290 Prohibitions.** Commercial ocean recreational activity requiring a permit under subsection 13.04A.300(A) is prohibited at Baldwin Beach Park, Cove Park, Hookipa Beach Park, Kamaole Beach Park I, Kamaole Beach Park II, Kamaole Beach Park III, the southern portion of Kalama Park (the section of Kalama Park from the sand beach at Cove Park to the southernmost parking area adjacent to South Kihei Road), Launiupoko Beach Park, Puamana Beach Park, **[and]** Hanakao`o Beach Park~~[.]~~, and Wahikuli Wayside 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 Material to be repealed is bracketed.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 Wahikuli Wayside 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:

A handwritten signature in black ink, appearing to read "M. R. Ryznar", is written over a horizontal line.

Department of the Corporation Counsel  
County of Maui

LF 2019-1220

DIGEST

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 60 (2019)

A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.290, MAUI  
COUNTY CODE, TO PROHIBIT COMMERCIAL OCEAN RECREATIONAL  
ACTIVITY AT WAHIKULI WAYSIDE PARK

This bill proposes to amend Section 13.04A.290, Maui County Code, to prohibit ocean recreational activity at Wahikuli Wayside Beach Park, Lahaina, Maui, Hawaii.

I, JOSIAH K. NISHITA, County Clerk of the County of Maui, State of Hawaii, DO  
HEREBY CERTIFY that the foregoing BILL NO. 60 (2019) was passed on First Reading  
by the Council of the County of Maui, State of Hawaii, on the 8th day of November, 2019,  
by the following vote:

AYES: Councilmembers Natalie A. Kama, Alice L. Lee, Michael J. Molina,  
Tamara A. M. Paltin, Shane M. Sinenci, Yuki Lei K. Sugimura, and  
Vice-Chair Keani N. W. Rawlins-Fernandez.

NOES: None.

EXCUSED: Councilmember G. Riki Hokama and Chair Kelly T. King.

DATED at Wailuku, Maui, Hawaii, this 12th of November, 2019.

  
\_\_\_\_\_  
JOSIAH K. NISHITA, 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.