

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.

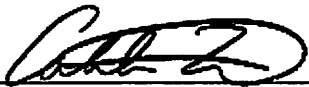
6. The property owner is responsible for the maintenance and repair of the replacement overhead encroachment.

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.

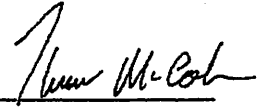
APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

wai:misc:017abill01:kjh

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Tom Cook", written over a horizontal line.

TOM COOK

DIGEST

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

This bill proposes 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.

I, MOANA M. LUTEY, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 156, CD1, (2025) was passed on First
Reading by the Council of the County of Maui, State of Hawaii, on the 7th day of
November, 2025, by the following vote:

AYES: Councilmembers Tom Cook, Gabriel Johnson, Tamara A.M. Paltin,
'AE 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.
'A'OLE

DATED at Wailuku, Maui, Hawaii, this 10th of November, 2025.



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.