

RUSH

REQUEST FOR LEGAL SERVICES

RECEIVED
CORPORATION COUNSEL

Date: February 25, 2019
From: Yuki Lei K. Sugimura, Chair
Multimodal Transportation Committee

2019 FEB 25 PM 4: 39

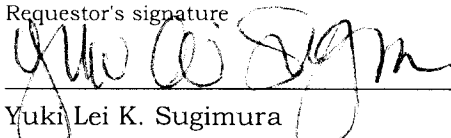
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael J. Hopper, Esq.

Subject: AMENDING SECTION 10.48.030, MAUI COUNTY CODE, RELATING TO PROHIBITIONS IN CERTAIN PLACES (MT-6)

Background Data: Please revise the proposed bill in accordance with the attached marked-up copy and, if appropriate, approve it as to form and legality. A signed hard copy is requested with your response.

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

Requestor's signature  Yuki Lei K. Sugimura	Contact Person James Krueger (Telephone Extension: 7761)
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- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): February 28, 2019
REASON: For posting on March 1, 2019 for the March 8, 2019 Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: NJH	ASSIGNMENT NO. 2019-0100	BY: MKK
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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

MICHAEL J. HOPPER

Date FEB 26 2019

By _____
(Rev. 7/03)

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE TO PROHIBIT PARKING IN A MEDIAL STRIP

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

SECTION 1. Section 10.48.030, Maui County Code, is hereby amended to read as follows:

“10.48.030 Prohibited in certain places. A. No person shall park, stop, or stand [or park] a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the direction of a police officer or traffic control device, in any of the following places:

1. On a sidewalk[;].
2. Within four feet of either side of a public or private driveway[;].
3. Within an intersection[;].
4. Within ten feet of a fire hydrant; provided, however, that this provision shall not apply when the operator of a vehicle stops, stands, or parks such vehicle at or near a fire hydrant while and as long as [he] the driver remains seated in the driver’s seat[;].
5. On a crosswalk[;].
6. Within twenty feet of a crosswalk at an intersection[;].
7. Within thirty feet upon the approach to any flashing beacon or stop sign located at the side of a roadway[;].
8. Within seventy-five feet upon any street or highway to any traffic control signal, unless extended by official signs[;].
9. Within fifty feet of the nearest rail of a railroad crossing[;].
10. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic[;].
11. On the roadway side of any vehicle stopped or parked at the edge of a roadway[;].
12. Upon any bridge and for fifty feet on either side of any bridge or other elevated structure upon a highway or within a highway tunnel[;].

13. Any place where official signs prohibit stopping[;].

14. In front of the entrance of any theater during the hours moving pictures or legitimate play productions are being exhibited therein; provided, however, that this provision shall not apply when the operator of a vehicle stops temporarily before such entrance for the purpose of loading or unloading passengers[;].

15. On either side of any street with a traffic way of eighteen feet or less when official signs are erected, giving notice thereof[;].

16. Within that portion of a cul-de-sac or a dead end street between official signs prohibiting stopping[;].

17. In front of a business or residential entryway gate, hedge opening, fence opening, or [rock/concrete] rock or concrete wall opening, where there is no sidewalk along the frontage of the property[;].

18. In front of an official United States Postal Service mailbox, where there is no sidewalk, from Monday through Saturday between the hours of [seven-thirty] 7:30 a.m. and [four-thirty] 4:30 p.m.; provided, however, that this provision shall not apply to postal delivery vehicles.

19. In a medial strip.

B. No person shall move a vehicle not lawfully under [his] the person's control into any such prohibited area or away from a curb to such a distance as is unlawful.

SECTION 2. 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 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND
LEGALITY:



MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui
2019-0100/2017-1189
MT-6 2019-02-26 Ord Amd 10.48.030