

COUNCIL OF THE COUNTY OF MAUI
GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE

September 6, 2019

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on August 20, 2019, makes reference to County Communication 19-285, from Councilmember Alice L. Lee, relating to fireworks on Maui.

Your Committee discussed the need to create stricter penalties to dissuade the use of illegal fireworks on Maui.

A representative from the Department of Fire and Public Safety said Maui County currently allows for the use of products considered consumer fireworks—such as fountains, ground blooms, and sparklers—during celebratory cultural events, such as New Year’s Eve, New Year’s Day, Chinese New Year’s Day, and the Fourth of July, in accordance with the State Fireworks Control Law and Chapter 8.16, Maui County Code. Chapter 8.16 requires permits for “fireworks.” Fountains, ground blooms, and sparklers are not defined as fireworks and, therefore, not regulated.

By comparison, he noted the Fire Code of the City and County of Honolulu prohibits all consumer fireworks, though firecrackers are allowed by permit.

He added that the Department of Fire and Public Safety is supportive of any measure that would promote the safety of fireworks in the community.

A representative from the Department of Police said 18 citations were issued for violations of Chapter 8.16 during the recent July 4th holiday, of which 16 were attributed to aerial fireworks. The Department also supports increased measures for fireworks safety in Maui County.

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Your Committee notes by Act 170 (2010) the Legislature amended the State Fireworks Control Law to remove prohibitions on the counties' authority to regulate fireworks. Conference Committee Report 71-10, recommending passage of the bill that became Act 170, stated: "Your Committee on Conference believes that counties should have sufficient latitude to enact their own ordinances that are at least as stringent as state law, including banning fireworks entirely."

Your Committee briefly discussed Section 8.16.040, Maui County Code, which provides for a fine of up to \$500 for violating Chapter 8.16. Your Committee noted the penalties for violation of fireworks ordinances in other counties in Hawaii. For example, the County of Kauai imposes a minimum fine of \$250 and a maximum fine of \$1000 per violation. The City and County of Honolulu imposes a minimum fine of \$200 and a maximum fine of \$1000 per violation.

Your Committee discussed referring the communication to your Economic Development and Budget Committee, which can consider amendments to Chapter 8.16's penalty provisions and address maritime and commercial issues relating to the shipment of fireworks into the County.

Your Committee voted 9-0 to recommend referral of the communication to your Economic Development and Budget Committee. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

Your Governance, Ethics, and Transparency Committee **RECOMMENDS** that County Communication 19-285 be **REFERRED** to your Economic Development and Budget Committee.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL J. MOLINA, Chair

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