

REQUEST FOR LEGAL SERVICES

D a t e: June 25, 2024
F r o m: Tom Cook, Chair
Water and Infrastructure Committee


TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Caleb P. Rowe, Esq.

Subject: BILL 87 (2024), RELATING TO TEMPORARY STRUCTURES AND USES (WAI-23)

Background Data: Please see proposed FD1 version of Bill 87, CD1 (2024). Please submit your response to WAI.committee@mauicounty.us with a reference to WAI-23.

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

Requestor's signature  Tom Cook, Chair	Contact Person <u>Jarret Pascual</u> (Telephone Extension: <u>7141</u>)
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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): June 26, 2024
REASON: For posting on the July 5, 2024, Council agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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

Date _____

By _____

(Rev. 7/03)

wai:ltr:023acc02:jpp

Attachment

ORDINANCE NO. _____

BILL NO. 87, CD1, FD1 (2024)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.25,
MAUI COUNTY CODE, RELATING TO TEMPORARY
STRUCTURES AND USES

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

SECTION 1. Section 16.25.108, Maui County Code, is amended to read
as follows:

“16.25.108 Temporary structures and uses.

108.1 General. A. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty days[.], except that temporary structures, inclusive of those used as dwelling units permitted under a state or local emergency proclamation under section 127A-14, Hawai‘i Revised Statutes, must be permitted initially for forty-two months, after which the property owner may apply for an automatic permit extension for no more than eighteen additional months from the date of the initial permit expiration. The building official is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall comply with the requirements of the Maui County Fire Code, as amended, and title 19. The applicant and property owner are responsible to ensure the temporary structure is erected and constructed in a safe manner and does not pose a life safety or fire safety hazard. In the event of severe weather, the temporary structure shall be removed.

108.3 Permit required. Temporary structures shall obtain a permit unless exempted by this code. The erection and removal dates shall be provided.

108.4 Construction documents. A permit application and construction documents shall be submitted for each installation of a temporary structure. The construction documents shall include a site plan indicating the location of the temporary structure and other information required by reviewing agencies.

108.5 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.”

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 takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

wai:misc:023abill02:jpp

INTRODUCED BY:

Tamara A. M. Paltin

TAMARA PALTIN

WAI Committee

From: WAI Committee
Sent: Tuesday, June 25, 2024 12:36 PM
To: CorpCounselRFLS@co.maui.hi.us
Cc: WAI Committee
Subject: (OCS) (WAI-23); reply by 6/26/24
Attachments: 023acc02_RFLS_Bill 87_signed.pdf

Importance: High