

JOSIAH K. NISHITA
County Clerk



MARGARET C. CLARK
Deputy County Clerk

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OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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2019 SEP 10 AM 11: 26

OFFICE OF THE
COUNTY COUNCIL

September 10, 2019

Honorable Keani Rawlins-Fernandez, Chair
Economic Development and Budget Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Rawlins-Fernandez:

Respectfully transmitted is a copy of Committee Report No. 19-107. The recommendation contained in the Committee Report was adopted by the Council of the County of Maui on September 6, 2019.

Pursuant to the recommendation adopted in the Committee Report, County Communication No. 19-285 was referred to your Committee.

Respectfully,

A handwritten signature in black ink, appearing to read "Josiah K. Nishita".

JOSIAH K. NISHITA
County Clerk

/lks

cc: Director of Council Services

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

September 6, 2019

Committee
Report No. 19-107

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.

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

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Committee
Report No. 19-107

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.

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

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Committee
Report No. 19-107

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



MICHAEL J. MOLINA, Chair

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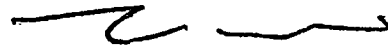
COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the recommendations contained in COMMITTEE REPORT NO. 19-107 were adopted by the Council of the County of Maui, State of Hawaii, on the 6th day of September, 2019, by the following vote:

MEMBERS	Kelly T. KING Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Alice L. LEE	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Excused	Aye	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK

Council Chair
Kelly T. King

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Alice L. Lee
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

June 17, 2019

Director of Council Services
Traci N. T. Fujita, Esq.

RECEIVED

2019 JUN 19 AM 7:57

OFFICE OF THE
COUNTY CLERK

The Honorable Kelly T. King
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair King:

SUBJECT: FIREWORKS ON MAUI

May I request the matter relating to legal and illegal fireworks on Maui be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Alice L. Lee", with a long horizontal line extending to the right.

ALICE L. LEE
Councilmember

COUNTY COMMUNICATION NO. 19-285