

# REQUEST FOR LEGAL SERVICES

**D a t e:** October 22, 2024  
**F r o m:** Tamara Paltin, Chair  
Disaster, Resilience, International Affairs, and Planning Committee


TRANSMITTAL

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

**Subject:** BILL 142 (2024), RELATING TO THE PROCEDURE FOR NOTICES OF WARNING AND VIOLATIONS (DRIP-14)

**Background Data:** Please see revised bill. Please submit your response to drip.committee@mauicounty.us with a reference to DRIP-14.

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

Requestor's signature  Tamara Paltin, Chair	Contact Person <u>Jarret Pascual or Megan Moniz</u> (Telephone Extension: <u>7141 or 7145, respectively</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): November 6, 2024  
REASON: For posting on the November 15, 2024, Council meeting

## 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)

drip:ltr:014acc01:jpp

Attachment

ORDINANCE NO. \_\_\_\_\_

BILL NO. 142, CD1 (2024)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04D,  
MAUI COUNTY CODE, RELATING TO THE PROCEDURE FOR NOTICES OF  
WARNING AND VIOLATIONS

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

SECTION 1. This Ordinance’s purposes are to require the Department of Fire and Public Safety to send copies of notices of warning and violations on County property to the Office of the Mayor, Managing Director, and Council Chair; allow for civil fines collected under the County Fire Code to be deposited into the Fire Hazard Removal Revolving Fund; and allow the Department of Fire and Public Safety to require violators to submit a fire prevention plan when a second violation occurs.

SECTION 2. Section 16.04D.160, Maui County Code, is amended by adding a new subsection to be appropriately designated as subsection 1.16.2.1.2 and to read as follows:

“1.16.2.1.2 For any warning notice issued for violations occurring on County property, a copy of the warning notice must be sent to the office of the mayor, managing director, and council chair.”

SECTION 3. Section 16.04D.160, Maui County Code, is amended by amending subsection 1.16.3.3 to read as follows:

**“1.16.3.3** The notice of violation and order may require the person to do any or all of the following:

1. Cease and desist from the violation.

2. Correct the violation at the person's own expense before a date specified in the order.

3. Pay an initial civil fine not to exceed \$1,000 [pursuant to] under this chapter in the manner, at the place, and before the date specified in the order.

4. Pay a civil fine not to exceed \$1,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.

Fines that are collected will be deposited into the fire hazard removal revolving fund as established by chapter 3.68, Maui County Code.

When a second violation occurs, the notice of violation and order may require the person to submit a fire prevention plan for the property subject to the second violation. The fire prevention plan must include a proposed remedy and maintenance plan for the property and a description of the corrective actions that will be taken by the person to address hazard complaints. The fire prevention plan must also include a 12-month timeline from the date of violation describing when the corrective actions will take place. The fire prevention plan must be submitted to the fire chief within 90 days of the issuance of notice for the second violation."

SECTION 4. 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 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

drip:misc:014abill02:jpp

INTRODUCED BY:

*Tamara A.M. Paltin*

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TAMARA PALTIN