

COUNCIL OF THE COUNTY OF MAUI
HUMAN CONCERNS AND PARKS
COMMITTEE

January 21, 2022

Committee
Report No. _____

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

Chair and Members:

Your Human Concerns and Parks Committee, having met on January 6, 2022, makes reference to County Communication 21-549, from the Director of Parks and Recreation, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.080, MAUI COUNTY CODE, RELATING TO THE ALCOHOL PROHIBITION FOR CERTAIN PARKS AND RECREATIONAL FACILITIES."

The purpose of the proposed bill is to align Section 13.04A.080, Maui County Code, with Section 19.52.090, Maui County Code, relating to the alcohol prohibition for certain parks and recreational facilities within Historic Districts 1 and 2 in Lahaina.

Your Committee notes the Maui County Cultural Resources Commission is responsible for the preservation of the County's historic and cultural resources by administering the provisions of Historic Districts 1 and 2.

Your Committee further notes that in accordance with Section 19.52.090(F), Maui County Code, it is unlawful to consume intoxicating liquor in any public street, park, or open space that is owned or maintained by a governmental agency, without the express approval of the responsible government agency and the Cultural Resources Commission.

The Cultural Resources Commission met on October 7, 2021, and recommended approval of the proposed bill. The Commission provided comments to allow and protect traditional and cultural Hawaiian practices relating to the use of 'awa within Historic Districts 1 and 2.

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Your Committee discussed further amending Subsection B of the bill to explicitly list the seven parks in Historic Districts 1 and 2 that prohibit alcohol consumption.

Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Kama, Vice-Chair Sugimura, and members Lee, Paltin, and Sinenci voted "aye."

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Human Concerns and Parks Committee RECOMMENDS the following:

1. That Bill _____(2022), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.080, MAUI COUNTY CODE, RELATING TO THE ALCOHOL PROHIBITION FOR CERTAIN PARKS AND RECREATIONAL FACILITIES," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 21-549 be FILED.

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



TASHA KAMA, Chair

ORDINANCE NO. _____

BILL NO. _____ (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.080, MAUI COUNTY
CODE, RELATING TO THE ALCOHOL PROHIBITION FOR CERTAIN PARKS
AND RECREATIONAL FACILITIES

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

SECTION 1. Section 13.04A.080, Maui County Code, is amended to read
as follows:

“13.04A.080 Alcohol prohibition for certain parks and recreational facilities. A. Except as otherwise authorized by permit, license, lease, or concession issued in accordance with this code, it is unlawful for any person to consume any intoxicating liquor while within the boundaries of the following parks:

1. Kalama Park, located at 1900 South Kihei Road, Kihei, Maui, Hawaii, and Cove Park, located at 2120 Iliili Road, Kihei, Maui, Hawaii. The land comprising Kalama Park and Cove Park is identified in State Executive Order No. 854, as amended by State Executive Order No. 1184, as the land set aside for public park purposes, to be under the control and management of the County.

2. South Maui Community Park, located at 1501 Liloa Drive, Kihei, Maui, Hawaii.

3. Keopuolani Park, located in Central Maui, along Kanaloa Avenue, [provided that] except this prohibition [shall] will not apply to the Maui Arts & Cultural Center.

[4. Kamehameha Iki Park, located in Lahaina, Maui, Hawaii. The land comprising of Kamehameha Iki Park is identified in State Executive Order No. 2771.

5. Malu Ulu O Lele Park, located in Lahaina, Maui, Hawaii. The land comprising of Malu Ulu O Lele Park is identified in State Executive Order No. 52, 3430 and 2889.

6. ~~14.~~ Honokowai Beach Park, located on Lower Honoapiilani Road, Lahaina, Maui, Hawaii, and identified in State Executive Order No. 2029 as the public land set aside to be under the control and management of the County, and further identified as tax map key number (2) 4-4-001:046,

and further comprising tax map key number (2) 4-4-001:047.

[7.]5. Charley Young Park, located at 2200 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 3344 as the land set aside for public right-of-way and beach purposes to be under the control and management of the County.

[8.]6. Kamaole Beach Park I, located at 2400 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 822 as the public land set aside for Kamaole Beach Park and to be under the control and management of the County.

[9.]7. Kamaole Beach Park II, located at 2550 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 822 as the public land set aside for Kamaole Beach Park and to be under the control and management of the County.

[10.]8. Waiale Park, located on Waiale Road and Waimaluhia Lane, Wailuku, Maui, Hawaii.

B. The consumption of intoxicating liquor in recreational areas under the jurisdiction of the department of parks and recreation is unlawful in the historic districts nos. 1 and 2 (Lahaina), except as allowed under Section 19.52.090.F, Maui County Code, with respect to the following parks:

1. Kamehameha Iki Park, located in Lahaina, Maui, Hawaii. The land comprising of Kamehameha Iki Park is identified in State Executive Order No. 2771, and is further identified as tax map key number (2) 4-6-002:010.

2. Malu Ulu O Lele Park, located in Lahaina, Maui, Hawaii. The land comprising of Malu Ulu O Lele Park is identified in State Executive Order Nos. 52, 3430, and 2889, and is further identified as tax map key numbers (2) 4-6-007:002, (2) 4-6-007:001, and (2) 4-6-007:036.

3. Lahaina Banyan Court, located in Lahaina, Maui, Hawaii. The land comprising of Lahaina Banyan Court is identified in State Executive Order No. 16-2, and is further identified as tax map key number (2) 4-6-001:009.

4. Lahaina Courthouse Park, located in Lahaina, Maui, Hawaii. The land comprising of Lahaina Courthouse Park is identified in State Executive Order No. 80, and is further identified as tax map key number (2) 4-6-001:001.

5. Kamehameha Brick Palace, located in Lahaina, Maui, Hawaii. The land comprising of Kamehameha Brick Palace is identified as tax map key number (2) 4-6-001:004.

6. Hale Aloha Church, located in Lahaina, Maui,

Hawaii. The land comprising of Hale Aloha Church is identified as tax map key number (2) 4-6-008:043.

7. Hale Paahao, located in Lahaina, Maui, Hawaii. The land comprising of Hale Paahao is identified in State Executive Order No. 16-3, and is further identified as tax map key number (2) 4-6-008:044.

C. Notwithstanding section 13.04A.270, anyone who violates subsection B is, upon conviction, guilty of a petty misdemeanor as defined in section 701-107, Hawaii Revised Statutes, and is subject to a fine of not more than \$500 and imprisonment for a term not to exceed thirty days."

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:

/s/ Mimi Desjardins

MIMI DESJARDINS
Department of the Corporation Counsel

hcp:misc:050abill02:wal

INTRODUCED BY:



Upon the request of the Mayor.