

ORDINANCE NO. _____

BILL NO. 70, CD1 (2023)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE 3545 TO
TRANSFER A CONDITIONAL PERMIT TO JOSHUA RAMU
TREMBLAY FOR THE OLD WAILUKU INN AT ULUPONO
TRANSIENT VACATION RENTAL SITUATED AT 2199 KAHO'OKELE
STREET, WAILUKU, MAUI, HAWAII

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

SECTION 1. Ordinance 3545 is amended by amending SECTION 1 to
read as follows:

“SECTION 1. Pursuant to Chapter 19.40, Maui County Code,
and subject to the conditions imposed in [Section] SECTION 2 of this
[ordinance] Ordinance, a Conditional Permit is [hereby] granted to
[Janice Fairbanks and Thomas N. Fairbanks III] Joshua Ramu
Tremblay for the operation of a ten-bedroom transient vacation
rental. The site is identified for real property tax purposes [by Tax
Map Key Number:] as tax map key number (2) 3-4-005:015,
comprising [approximately] 22,532 square feet of land situated at
Wailuku, Maui, Hawaii.”

SECTION 2. This Ordinance makes the Conditional Permit subject
to the following conditions, superseding the conditions in SECTION 2 of
Ordinance 3545:

1. That the Conditional Permit is valid until March 9, 2038;
provided that an extension of this Conditional Permit may be
granted under Section 19.40.090, Maui County Code.
2. That the Conditional Permit is nontransferable unless the
Council approves the transfer by ordinance.
3. That full compliance with all applicable governmental
requirements will be rendered.
4. That Joshua Ramu Tremblay, their successors and permitted
assigns, must exercise reasonable due care as to third parties

with respect to all areas affected by the Conditional Permit and must procure at their own cost and expense and maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of \$1,000,000 naming the County of Maui as a named additional insured, insuring and defending Joshua Ramu Tremblay and the County against any and all claims or demands for property damage, personal injury, or death arising from this Conditional Permit, including: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Joshua Ramu Tremblay of these rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming the County as an additional insured must be submitted to the Department within ninety calendar days from the effective date of this ordinance.


5. That Joshua Ramu Tremblay must develop the property in substantial compliance with the representations made to the Council in obtaining the Conditional Permit. Failure to develop the property as represented may result in revocation of the Conditional Permit under Section 19.40.080, Maui County Code.
6. That Joshua Ramu Tremblay must comply with the requirements imposed by the Department of Fire and Public Safety.
7. That the transient vacation rental operation must be subject to periodic inspections by County enforcement personnel at reasonable times upon presentation of appropriate credentials.
8. That the maximum occupancy per room is limited to two persons.
9. That Joshua Ramu Tremblay must include the number of the Conditional Permit in all advertising.
10. That Joshua Ramu Tremblay must file a supplemental public report with the Department of Finance, Real Property Assessment Division, identifying the property as a bed and breakfast home for real property tax purposes.

11. That one parking stall must be provided for each guestroom.

SECTION 3. 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 4. This Ordinance takes effect on approval.

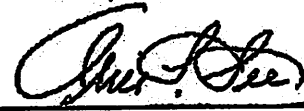
APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

hlu:misc:015abill01:alkl

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee", written in dark ink.

ALICE L. LEE

Upon the request of the Mayor.

DIGEST

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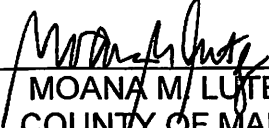
This bill proposes to allow the transfer of an existing Conditional Permit held by Janice Fairbanks and Thomas N. Fairbanks III to Joshua Ramu Tremblay, for the Old Wailuku Inn ad Ulupono situated at 2199 Kaho'okele Street, Wailuku, Maui, Hawaii and incorporate recommended Maui Planning Commission conditions of zoning.

I, MOANA M. LUTEY, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 70, CD1 (2023) was passed on First
Reading by the Council of the County of Maui, State of Hawaii, on the 20th day of
November, 2023, by the following vote:

AYES: Councilmembers Tom Cook, Gabriel Johnson, Natalie A. Kama,
Tamara A. M. Paltin, Keani N. W. Rawlins-Fernandez, Shane M.
Sinenci, Nohelani U'u-Hodgins, Vice-Chair Yuki Lei K. Sugimura,
and Chair Alice L. Lee.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 22nd of November, 2023.



MOANA M. LUTEY, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,
County of Maui, for use and examination by the public.