

RUSH

REQUEST FOR LEGAL SERVICES

RECEIVED
CORPORATION COUNSEL

Date: September 25, 2018
From: Elle Cochran, Chair
Infrastructure and Environmental Management Committee

2018 SEP 25 AM 11: 24

TRANSMITTAL
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: David Galazin, Esq.

Subject: AMENDING SECTIONS 10.48.220 AND 10.56A.010, MAUI COUNTY CODE, RELATING TO TOW-AWAY ZONES AND LOADING ZONES (IEM-83)

Background Data: Please review attached revised proposed bill and, if appropriate, approve it as to form and legality. A signed hard-copy is requested with your response.

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

Requestor's signature <u>Elle Cochran AN</u> Elle Cochran	Contact Person <u>Maggie Clark</u> (Telephone Extension: <u>7661</u>)
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RECEIVED
OFFICE OF THE
COUNTY COUNSEL
2018 SEP 28 11:3:34

- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): September 28, 2018
REASON: For discussion at October 1, 2018 Committee meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>DAG</u>	ASSIGNMENT NO. <u>2017-0097</u>	BY: <u>MM</u>
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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 9-28-18

By DAG
(Rev. 7/03)

iem:ltr:083acc01

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AMENDING SECTIONS
10.48.220 AND 10.56A.010, MAUI COUNTY CODE,
RELATING TO TOW-AWAY ZONES AND LOADING ZONES

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

SECTION 1. Section 10.48.220, Maui County Code, is amended to read
as follows:

“10.48.220 Tow-away zones. [The following streets or portions of streets are designated tow-away zones for twenty-four hours a day unless otherwise provided:]

A. Wailuku [District.] district. The following streets or portions of streets are designated tow-away zones for twenty-four hours a day unless otherwise provided:

1. Both sides of Kiele Street beginning one hundred sixty feet from its intersection with Kaohu Street for a distance of one hundred feet in the Maalaea direction[;] .

2. On both sides of Hali'a Street[; provided, that such prohibited parking shall be applicable only] on school days, between the hours of [seven] 7:00 a.m. [to two-thirty] and 2:30 p.m.[;]

3. On the makai side of South Kihei Road extending two hundred fifty feet south of Waimahaihai Street, and on the mauka side of South Kihei Road, a distance of seven hundred twenty feet, between Halelani Place and Kupuna Street[; and] .

4. The entire north side of Halelani Place and on the south side of Halelani Place beginning two hundred ninety feet from South Kihei Road and continuing to the end of Halelani Place.

B. Lahaina [District.] district. The following streets or portions of streets are designated tow-away zones for twenty-four hours a day unless otherwise provided:

1. The south side of Canal Street adjacent to [Kam III School,] King Kamehameha III Elementary School, eight parking stalls in length, on [each] school [day] days, between

the hours of ~~[seven]~~ 7:00 a.m. and ~~[three]~~ 3:00 p.m., subject to loading zones for school buses as provided ~~[for]~~ by ordinance[;] .

2. The makai side of Wharf Street between Hotel Street and the flag poles fronting the ~~[District Court Building,]~~ district court building, between the hours of ~~[eleven]~~ 11:00 a.m. and ~~[three]~~ 3:00 p.m. each day[;] .

3. The makai side of Front Street for a distance of one hundred twenty-one feet south of the north property line of Whaler's Market Place, between the hours of ~~[nine]~~ 9:00 a.m. and ~~[nine]~~ 9:00 p.m. each day[;] .

4. The makai side of Front Street for a distance of one hundred seventeen feet north of the south property line of Whaler's Market Place, between the hours of ~~[nine]~~ 9:00 a.m. and ~~[nine]~~ 9:00 p.m. each day; provided, that any bus certified to carry passengers by the public utilities commission of the State shall be permitted to stop, stand, or park in the loading and unloading zone for the ~~[purpose]~~ purposes of loading and unloading passengers, and then only for a period not to exceed fifteen minutes[;] .

5. The makai side of Front Street, beginning at Papalua Street and ending at Canal Street, between the hours of ~~[three]~~ 3:00 a.m. and ~~[five]~~ 5:00 a.m. each day[;] .

6. The mauka side of Front Street, beginning at Papalua Street and ending at Wahie Lane[;] .

7. The mauka side of Front Street, beginning at Wahie Lane and ending at Canal Street, between the hours of ~~[three]~~ 3:00 a.m. and ~~[five]~~ 5:00 a.m. each day[;] .

8. ~~[Both]~~ On both sides of Hale Street for its entire length[;] .

9. The makai side of Lower Honoapiilani Road in Lahaina beginning at its intersection with Kaanapali Shores Drive and ending at Kapalua Place[;] .

10. On both sides of Hui Road "F" in Napili beginning at its intersection with Lower Honoapiilani Road, and extending east approximately one thousand seven hundred feet, with the exception of a six-hundred-eighty-foot section located on the south side, beginning seven hundred feet mauka of Lower Honoapiilani Road[;] .

11. On both sides of Kauaula Road between Ilikahi Street and Front Street[;] .

12. On the makai side of Puu Hale Street in the Kaanapli Hillside Subdivision[;] .

13. On both sides of Luakini Street beginning with Prison Street, and extending northeast approximately three hundred twenty feet[;] .

14. On the east side of Lahainaluna Road beginning at its intersection with Honoapiilani Highway and extending southwest approximately one hundred sixty-five feet from Wainee Street[; and] .

15. On both sides of Wahie Lane [starting at Front Street] for its entire length.

16. On the makai side of Front Street adjacent to King Kamehameha III Elementary School, twelve parking stalls in length, between Prison Street and the south school driveway entrance, on school days, between the hours of 7:00 a.m. and 3:00 p.m., subject to loading zones for school buses as provided by ordinance.

C. Makawao [District.] district. The following streets or portions of streets are designated tow-away zones for twenty-four hours a day unless otherwise provided:

1. The makai side of Aewa Place from the intersection of Haleakala Highway and Aewa Place extending two hundred twenty-five feet along Aewa Place[;] .

2. The south side of Kaiholo Place.”

SECTION 2. Section 10.56A.010, Maui County Code, is amended to read as follows:

“10.56A.010 Loading zones established. A. Loading zones shall be established by the council at such places as the need may arise, and no person shall stop, stand, or park a vehicle for any purpose or period of time other than the expeditious loading or unloading of passengers or freight in any place marked as a loading zone, and then only for a period not to exceed fifteen minutes or as otherwise specified; provided, however, that the council may authorize the director of public works to establish official school bus stops on streets under the county’s jurisdiction.

[A.] B. Wailuku [District.] district. Loading zones are established at the following locations:

1. A loading zone is established on the north side of Vineyard Street, fifty feet in length, fronting 2062 Vineyard Street, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday, for the loading and unloading of passengers or freight; and then only for a period not to exceed fifteen minutes; and no person shall stop, stand, or park a vehicle for any purpose or period of time other than the expeditious loading and unloading of passengers or freight. This location shall be a tow-away zone during the hours designated for the loading and unloading of

passengers and freight, and shall be public parking at all other times.

2. For school buses on the west side of High Street, beginning at a point forty-seven feet north of Malako Street, running north of Malako Street a distance of one hundred ninety-nine feet, fronting Wailuku Elementary School; provided, that this provision shall be applicable only on each school day between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 1:30 p.m. and 2:30 p.m., except on Wednesdays when such hours shall be between 7:00 a.m. and 8:00 a.m. and between 1:00 p.m. and 2:00 p.m.

3. For school buses on North Market Street near Piihana Road across from T.K. Super Market in Happy Valley; provided, that this provision shall be applicable only on each school day between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 2:00 p.m. and 3:00 p.m., except on Wednesdays when such hours shall be between 7:00 a.m. and 8:00 a.m. and between 1:30 p.m. and 2:30 p.m.

4. For school buses on the road fronting Baldwin High School Auditorium, only on each school day, between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 2:00 p.m. and 3:00 p.m., except on Wednesdays when such hours shall be between 7:00 a.m. and 8:00 a.m. and between 1:00 p.m. and 2:00 p.m.

5. Two loading zones, for school buses on the west side of Kenolio Road adjacent to the entrances to Kihei School, only on each school day, between the hours of 1:30 p.m. and 2:30 p.m., except on Wednesdays when such hours shall be between 1:00 p.m. and 2:00 p.m.

6. On the east side of North Market Street, Wailuku, approximately seventy feet in length, commencing at a point seventy-seven feet from the intersection of Main Street and Market Street, between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday, for the loading and unloading of passengers or freight; and during the hours on such days, no person shall stop, stand, or park a vehicle for any purpose or period of time other than the expeditious loading and unloading of passengers or freight, and then only for a period not to exceed fifteen minutes. This location shall be a tow-away zone during the hours designated for the loading and unloading of passengers or freight, and shall be public parking at all other times.

7. Fifteen feet in length in the Wailuku off-street parking lot in the area immediately behind the premises identified as 35 Market Street, Wailuku.

8. On the east side of North Market Street, Wailuku, fronting the Iao Theater at North Market Street, thirty-five feet in length.

9. On both sides of Aku Place, Wailuku, from Kaahumanu Avenue to Analani Street.

10. On the west side of Market Street, Wailuku, replacing the parking stall fronting 167 Market Street between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday, for the loading and unloading of passengers or freight; and during the hours on such days, no person shall stop, stand, or park a vehicle for any purpose or period of time other than the expeditious loading and unloading of passengers or freight and then only for a period of time not to exceed fifteen minutes. This location shall be a tow-away zone during the hours designated for the loading and unloading of passengers or freight, and shall be public parking at all other times.

11. On Lono Avenue fronting Kahului Elementary School, beginning at a point fifty-five feet from the south edge of Hina Avenue, running south, ending at a point thirty-five feet before the north edge of Laau Street. The loading zone shall be applicable only on each school day between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 1:30 p.m. and 2:30 p.m., except on Wednesdays when such hours shall be between 7:00 a.m. and 8:00 a.m. and between 1:00 p.m. and 2:00 p.m.

12. On Kaiiau Place, in Kihei, within its entire end section extending approximately sixty feet beyond Ili'iili Road.

[B.] C. Makawao [District.] district. Loading zones are established at the following locations:

1. On that portion of Baldwin Avenue, in upper Paia, fronting the Doris Todd Memorial Christian Day School[;] .

2. Forty feet in length, for school buses on the south (mauka) side of Makawao Avenue fronting St. Joseph Church, only on school days, between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 1:30 p.m. and 2:30 p.m.[;] .

3. Forty feet in length, for school buses on the west side of Baldwin Avenue south (mauka) of the entrance to the Komoda Store parking lot, only on each school day, between the hours of 2:00 p.m. and 3:30 p.m., except on Wednesdays when such hours shall be between 1:30 p.m. and 2:30 p.m.[;] .

4. Two parking stalls, for school buses on the west side of Baldwin Avenue at its intersection with Hana

Highway, only on each school day, between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 2:30 p.m. and 3:30 p.m., except on Wednesdays when such hours shall be between 7:00 a.m. and 8:00 a.m. and between 1:30 p.m. and 2:30 p.m.[:] .

5. Two parking stalls, for school buses on the east side of Baldwin Avenue, only on each school day, between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 2:30 p.m. and 3:30 p.m., except on Wednesdays when such hours shall be between 7:00 a.m. and 8:00 a.m. and between 1:30 p.m. and 2:30 p.m.[:] and] .

6. The first parking stall on the north side of Baldwin Avenue fifty feet west of Makawao Avenue, between the hours of 7:00 a.m. and 7:00 p.m. daily. The loading zone established in this subsection shall be a tow-away zone during the hours designated for the loading and unloading of passengers and freight, and shall be public parking at all other times.

[C.] D. Lahaina [District.] district. Loading zones are established at the following locations:

1. Eight parking stalls, for school buses on the south side of Canal Street adjacent to King Kamehameha III Elementary School, only on school days, between the hours of 7:00 a.m. to 3:00 p.m.[:] .

2. Two parking stalls, for school buses on the east side of Front Street, north of Dickenson Street, only on school days, between the hours of 7:00 a.m. and 8:00 a.m.[:] .

3. Two parking stalls, for school buses on the east side of Front Street, south of Lahainaluna Road, only on school days, between the hours of 7:00 a.m. and 8:00 a.m.[:] .

4. Two parking stalls, for school buses on the north side of Lahainaluna Road, west of its intersection with Luakini Street, only on [each] school [day,] days, between the hours of 2:30 p.m. and 3:30 p.m., except on Wednesdays when such hours shall be between 1:30 p.m. and 2:30 p.m.[:] .

5. Forty feet in length, for school buses on the north side of Dickenson Street fronting the main entrance to Sacred Hearts School, only on school days, between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 1:30 p.m. and 2:30 p.m.[:] .

6. On the following portions of Front Street:

a. On the east side of Front Street, twelve feet south of Wahie Lane, seventy-two feet in length[:] .

b. On the west side of Front Street, thirty feet north of Lahainaluna Road, seventy-two feet in length[;] .

c. On the east side of Front Street, thirty-two feet south of Kukui Lane, forty feet in length[;] .

d. On the east side of Front Street, one hundred ten feet north of Dickenson Street, forty-eight feet in length[; and] .

e. On the west side of Front Street, at the intersection of Shaw Street fronting the 505 Front Street complex, ninety-six feet in length.

The foregoing shall be loading zones between the hours of 5:00 a.m. and 5:00 p.m., Monday through Saturday. The use of loading zones by any vehicle shall not exceed fifteen minutes. At all other times, these areas shall be public parking[;] .

7. On the makai side of Wharf Street between Hotel Street and the flagpoles fronting the district court building, between the hours of 7:00 a.m. and 7:00 p.m. daily; provided that only buses certified to carry passengers by the public utilities commission of the State shall be permitted to stop, stand, or park in the loading and unloading zone and then solely for the [purpose] purposes of loading and unloading passengers, and further, only for a period not to exceed fifteen minutes. The loading zone established in this subsection shall be a tow-away zone during the hours designated for the loading and unloading of passengers, and shall be public parking at all other times.

[The loading zone established in this subsection shall be a tow-away zone during the hours designated for the loading and unloading of passengers, and shall be public parking for all other times;]

8. On the north side of Hotel Street, [Lahaina,] replacing the first three parking stalls commencing at the intersection of Hotel Street and Front [Streets.] Street. The loading zone is established between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday, and is to solely serve regularly scheduled shuttle bus services, certified and licensed by the public utilities commission of the State for the purposes of loading and unloading of passengers and freight. During the hours of 7:00 a.m. through 9:00 p.m., Monday through Saturday, no person shall stop, stand, or park a vehicle for any purpose other than the expeditious loading [and] or unloading of passengers or freight. Bus services authorized to utilize the loading zone established in this subsection shall do so for periods not to exceed fifteen

minutes. The loading zone established in this subsection shall be a tow-away zone during the hours designated for the loading and unloading of passengers and freight, and shall be public parking at all other times[;] .

9. Except as provided in this subsection, between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday, for the loading and unloading of freight; and during the hours on such days, no person shall stop, stand, or park a vehicle for any purpose other than for the expeditious loading [and] or unloading of freight. Vehicles authorized to utilize the loading zones established in this subsection shall do so for periods not to exceed fifteen minutes. The loading zones established in this subsection shall be tow-away zones during the hours designated for the loading and unloading of freight, and shall be public parking at all other times:

a. On the north side of Hotel Street, replacing the first two parking stalls commencing at the intersection of Wharf Street and Hotel Street[; and]

b. On the south side of Papalaua Street, forty-two feet in length, commencing at a point seventy feet from the intersection of Papalaua Street and Front Street.

10. On the south side of Papalaua Street, [Lahaina,] forty-eight feet in length, commencing at a point one hundred sixty-five feet from the intersection of Papalaua Street and Front [Streets.] Street. The loading zone is established between the hours of 7:00 a.m. and 9:00 p.m., Sunday through Saturday, and is solely to serve regularly scheduled shuttle bus services, certified and licensed by the public utilities commission of the State for the purposes of loading and unloading of passengers. During the hours of 7:00 a.m. and 9:00 p.m., Sunday through Saturday, no person shall stop, stand, or park a vehicle for any purpose other than the expeditious loading [and] or unloading of passengers. Vehicles authorized to utilize the loading zones established in this subsection shall do so for a period not to exceed fifteen minutes. The loading zones established in this subsection shall be tow-away zones during the hours designated for the loading and unloading of passengers, and shall be public parking [for] at all other times[;] .

11. Approximately twenty-five feet in length is established on the east side of Luakini Street [in Lahaina], the midpoint of the zone to be located at a point approximately two hundred ten feet north of the intersection

of the [center-lines] center lines of Luakini Street and Dickenson [Streets.] Street. The loading zone is established between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday, for the purposes of loading and unloading of freight and passengers; and during the hours on such days, no person shall stop, stand, or park a vehicle for any purpose other than the expeditious loading [and] or unloading of freight and passengers, and then only for a period not to exceed fifteen minutes. The loading zone established in this subsection shall be a tow-away zone between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday[; and] .

12. On the makai side of Front Street adjacent to King Kamehameha III Elementary School, twelve parking stalls in length, between Prison Street and the south school driveway, on [each] school [day] days, between the hours of 7:00 a.m. and [8:00 a.m. and between the hours of 1:00 p.m. and] 3:00 p.m., for the active loading and unloading of passengers. The general fifteen-minute maximum time period specified in this section shall not apply – loading and unloading must be immediate. No vehicle may be left unattended for any period of time. This loading zone shall be a tow-away zone during the hours designated for the loading and unloading of passengers.

[D.] E. Hana [District.] district. Loading zones are established at the following locations:

1. Eighty feet in length for school buses on Ua'kea Road fronting Hana Elementary and High School, only on school days, between the hours of 7:00 a.m. and 8:00 a.m.

[E.] F. Molokai [District.] district. Loading zones are established at the following locations:

1. Forty feet in length for school buses on the west side of Ala Malama Street fronting Ka Moi Theater, Kaunakakai, only on each school day, between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 2:30 p.m. and 3:30 p.m., except on Wednesdays when such hours shall be between 7:00 a.m. and 8:00 a.m. and between 1:00 p.m. and 2:00 p.m.[;] .

2. Forty feet in length for school buses on the east side of Ala Malama Street fronting Harrison Cooke Park, Kaunakakai, only on each school day, between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 2:30 p.m. and 3:30 p.m., except on Wednesdays when such hours shall be between 7:00 a.m. and 8:00 a.m. and between 1:30 p.m. and 2:30 p.m.[; and] .

3. Forty feet in length for school buses on the east side of Kamehameha V Highway fronting Kaunakakai School, only on each school day, between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 1:30 p.m. and 2:30 p.m., except on Wednesdays when such hours shall be between 7:00 a.m. and 8:00 a.m. and between 1:00 p.m. and 2:00 p.m.

[F.] G. Lanai [District.] Loading zones are established at the following locations:

1. On the north side of Seventh Street, forty-one feet in length, beginning at a point seventy-five feet from the south side of Fraser Avenue.”

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 shall take effect upon its approval.

APPROVED AS TO FORM AND
LEGALITY:



DAVID A. GALAZIN
Department of the Corporation Counsel
County of Maui
2017-0092

IEM-83 2018-09-26 Ord Amd 10.48.220 & 10.56A.010