

COUNCIL OF THE COUNTY OF MAUI

**DISASTER, RESILIENCE,
INTERNATIONAL AFFAIRS, AND
PLANNING COMMITTEE**

November 15, 2024

**Committee
Report No.** _____

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

Chair and Members:

Your Disaster, Resilience, International Affairs, and Planning Committee, having met on October 21, 2024, makes reference to Bill 142 (2024), entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04D, MAUI COUNTY CODE, RELATING TO THE PROCEDURE FOR NOTICES OF WARNING AND VIOLATIONS.”

Bill 142’s purposes are to amend the Fire Code by: 1) requiring 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; and 2) authorizing the Department of Fire and Public Safety to require violators to submit a fire prevention plan.

At your Committee’s meeting, the Fire Chief suggested that the bill be amended to make a second offense the trigger for a fire prevention plan. He explained that the Department’s intent is to target repeat offenders.

The Fire Chief also said that the management of fire prevention plans will be complaint driven. The Department’s Fire Prevention Bureau would determine the need for additional staff depending on the number of plans received.

Another representative from the Department of Fire and Public Safety noted the challenges of collecting civil fines under the Fire Code.

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Your Committee agreed to revise Bill 142 by establishing that:

1. Civil fines collected under the Fire Code be deposited into the Fire Hazard Removal Revolving Fund; and
2. A fire prevention plan may be required when a second violation occurs.

Your Committee noted a large percentage of fires in Hawai'i are caused by human activity. Your Committee further noted that Bill 142, as revised, would help to ensure that landowners, including the County, are responsible stewards of the land.

Your Committee voted 7-0 to recommend passage of Bill 142, CD1 (2024), on first reading. Committee Chair Paltin, Vice-Chair U'u-Hodgins, and members Cook, Kama, Rawlins-Fernandez, Sinenci, and Sugimura voted "aye."

Your Committee is in receipt of Bill 142, CD1 (2024), approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Disaster, Resilience, International Affairs, and Planning Committee RECOMMENDS that Bill 142, CD1 (2024), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04D, MAUI COUNTY CODE, RELATING TO THE PROCEDURE FOR NOTICES OF WARNING AND VIOLATIONS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

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

Tamara A.M. Paltin

TAMARA PALTIN, Chair

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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:

/s/ Michael J. Hopper

Department of the Corporation Counsel
County of Maui

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INTRODUCED BY:

Tamara A.M. Paltin

TAMARA PALTIN