

Council Chair  
Mike White

Vice-Chair  
Robert Carroll

Presiding Officer Pro Tempore  
Stacy Crivello

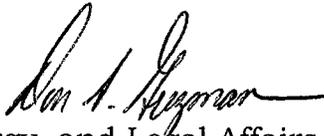
Councilmembers  
Alika Atay  
Elle Cochran  
Don S. Guzman  
Riki Hokama  
Kelly T. King  
Yuki Lei K. Sugimura



**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

January 3, 2018

MEMO TO: Patrick K. Wong  
Corporation Counsel

F R O M: Don S. Guzman, Chair   
Parks, Recreation, Energy, and Legal Affairs Committee

SUBJECT: **AMENDING SECTION 10.48.250, MAUI COUNTY CODE,  
RELATING TO PUBLIC BEACH ACCESS PARKING** (PRL-38)

The Parks, Recreation, Energy, and Legal Affairs Committee is in receipt of County Communication 17-479, transmitting the attached proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.250, MAUI COUNTY CODE, RELATING TO PUBLIC BEACH ACCESS PARKING."

The proposed amendment to Section 10.48.250(A), Maui County Code ("MCC"), makes explicit that "public beach access parking areas" include privately-owned property. My understanding is some examples would include hotel parking lots with signage indicating a portion of the lot is for public beach access parking.

Section 10.48.250(C), MCC, provides:

Members of the police department, parks security officers, and other authorized department of parks and recreation personnel, are authorized to remove, pursuant to the procedures of section 10.48.210, any vehicle parked in violation of subsection A. or B. of this section.

Section 10.48.210, MCC, authorizes *members of the police department and property owners* to remove vehicles from a public beach access parking area under certain circumstances.

Patrick K. Wong  
January 3, 2018  
Page 2

May I please request you be prepared to respond to the following questions at the Parks, Recreation, Energy, and Legal Affairs Committee meeting of January 9, 2018:

1. Does Section 10.48.250, MCC, authorize parks security officers to remove vehicles from a public beach access parking area on private property? Please explain.
2. Are there other Department of Parks and Recreation personnel authorized to remove vehicles from a public beach access parking area on private property? Please explain.
3. If your answer to either or both of the questions above is no, please recommend appropriate language to make the wording in Section 10.48.250(C) accurate.

Should you have any questions, please contact me or the Committee staff (Maggie Clark at ext. 7661, Carla Nakata at ext. 7659, or Pauline Martins at ext. 8039).

pri:ltr:038acc01

Attachment

cc: Mayor Alan M. Arakawa  
Jerrie Sheppard, Deputy Corporation Counsel

Council Chair  
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November 21, 2017

RECEIVED  
2017 NOV 22 PM 12: 30  
OFFICE OF THE  
COUNTY CLERK

Mr. Danny A. Mateo, County Clerk  
Office of the County Clerk  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Mateo:

**SUBJECT: PUBLIC BEACH ACCESS PARKING** (PAF 17-249)

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.250, MAUI COUNTY CODE, RELATING TO PUBLIC BEACH ACCESS PARKING," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike White".

MIKE WHITE  
Council Chair

paf:tntf:17-249c

Attachment

COUNTY COMMUNICATION NO. 17-479

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

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.250,  
MAUI COUNTY CODE, RELATING TO PUBLIC BEACH ACCESS PARKING

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

SECTION 1. Section 10.48.250, Maui County Code, is amended by  
amending subsection A to read as follows:

"A. No person shall park any vehicle in any public beach access parking area unless using the beach for recreational purposes. If within a park or recreational facility parking area, parking shall be permitted during the park's operating hours. If on private property, parking shall be permitted from 6:00 a.m. to 9:00 p.m., unless otherwise specified in a requirement or condition of a land use approval; provided that, a private property owner may permit public beach access parking in such designated area at other times.

"Park" and "recreational facility" shall have the same meaning as those terms are defined in section 13.04A.030 of this code.

As used in this section, "recreational purposes" means hunting, fishing, swimming, boating, picnicking, hiking, nature study, water skiing, and viewing or enjoying historical, archeological, scenic, or scientific sites."

SECTION 2. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
JERRIE SHEPPARD  
Deputy Corporation Counsel  
County of Maui  
LF 2017-1398  
2017-11-20 Ordinance