

October 21, 2024, Committee meeting

DISASTER, RESILIENCE, INTERNATIONAL AFFAIRS, AND PLANNING
COMMITTEE
Amendment Summary Form

Legislation: 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.”

Proposer: Tamara Paltin, Chair *Tamara A.M. Paltin*
Disaster, Resilience, International Affairs, and Planning Committee.

Description: Amends Bill 142, by incorporating nonsubstantive revisions for clarity and consistency.

Motion: Move to substitute Bill 142, with the attached proposed CD1 version.

Effect: See attached proposed CD1 version of Bill 142.

Reason: The revisions are needed to conform to the Hawai'i Legislative Drafting Manual.

Attachment: Proposed CD1 version of Bill 142 (2024).

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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. The Ordinance's purpose is to require the Department of Fire and Public Safety to send copies of notices of warning for violations on county property to the Office of the Mayor, Managing Director, and Council Chair and to allow the Department of Fire and Public Safety to require violators to submit a fire prevention plan.

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.

5. Submit a fire prevention plan for the property subject to 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 the notice of 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:

Department of the Corporation Counsel
County of Maui

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INTRODUCED BY:

Tamara A.M. Paltin

TAMARA PALTIN