

REQUEST FOR LEGAL SERVICES

Date: January 12, 2022
From: Tasha Kama, Chair
Human Concerns and Parks Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Mimi DesJardins, Esq.

Subject: ALCOHOL PROHIBITION FOR CERTAIN PARKS AND RECREATIONAL FACILITIES (HCP-50)

Background Data: Please see attached bill with revisions to the "Introduced By" section and coding. Please submit your response to hcp.committee@mauicounty.us. Please provide a Word file with track changes.

Work Requested: [X] FOR APPROVAL AS TO FORM AND LEGALITY
[] OTHER:

Table with 2 columns: Requestor's signature (Tasha Kama) and Contact Person (Wilton Leauanae, Telephone Extension: 7761)

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

[X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): January 12, 2022
REASON: To meet posting deadline for 1/21/22 Council agenda.

FOR CORPORATION COUNSEL'S RESPONSE

Table with 3 columns: ASSIGNED TO: MDJ, ASSIGNMENT NO.: 2021-0014, BY: jcm

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 January 12, 2022

By /s/ Mimi Desjardins

ORDINANCE NO. _____

BILL NO. _____ (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.080, MAUI COUNTY CODE, RELATING TO THE ALCOHOL PROHIBITION FOR CERTAIN PARKS AND RECREATIONAL FACILITIES

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

SECTION 1. Section 13.04A.080, Maui County Code, is amended to read as follows:

“13.04A.080 Alcohol prohibition for certain parks and recreational facilities. A. Except as otherwise authorized by permit, license, lease, or concession issued in accordance with this code, it is unlawful for any person to consume any intoxicating liquor while within the boundaries of the following parks:

1. Kalama Park, located at 1900 South Kihei Road, Kihei, Maui, Hawaii, and Cove Park, located at 2120 Iliili Road, Kihei, Maui, Hawaii. The land comprising Kalama Park and Cove Park is identified in State Executive Order No. 854, as amended by State Executive Order No. 1184, as the land set aside for public park purposes, to be under the control and management of the County.

2. South Maui Community Park, located at 1501 Liloa Drive, Kihei, Maui, Hawaii.

3. Keopuolani Park, located in Central Maui, along Kanaloa Avenue, [provided that] except this prohibition [shall] will not apply to the Maui Arts & Cultural Center.

[4. Kamehameha Iki Park, located in Lahaina, Maui, Hawaii. The land comprising of Kamehameha Iki Park is identified in State Executive Order No. 2771.

5. Malu Ulu O Lele Park, located in Lahaina, Maui, Hawaii. The land comprising of Malu Ulu O Lele Park is identified in State Executive Order No. 52, 3430 and 2889.

6.]4. Honokowai Beach Park, located on Lower Honoapiilani Road, Lahaina, Maui, Hawaii, and identified in State Executive Order No. 2029 as the public land set aside to be under the control and management of the County, and further identified as tax map key number (2) 4-4-001:046,

and further comprising tax map key number (2) 4-4-001:047.

[7.]5. Charley Young Park, located at 2200 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 3344 as the land set aside for public right-of-way and beach purposes to be under the control and management of the County.

[8.]6. Kamaole Beach Park I, located at 2400 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 822 as the public land set aside for Kamaole Beach Park and to be under the control and management of the County.

[9.]7. Kamaole Beach Park II, located at 2550 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 822 as the public land set aside for Kamaole Beach Park and to be under the control and management of the County.

[10.]8. Waiale Park, located on Waiale Road and Waimaluhia Lane, Wailuku, Maui, Hawaii.

B. The consumption of intoxicating liquor in recreational areas under the jurisdiction of the department of parks and recreation is unlawful in the historic districts nos. 1 and 2 (Lahaina), except as allowed under Section 19.52.090.F, Maui County Code, with respect to the following parks:

1. Kamehameha Iki Park, located in Lahaina, Maui, Hawaii. The land comprising of Kamehameha Iki Park is identified in State Executive Order No. 2771, and is further identified as tax map key number (2) 4-6-002:010.

2. Malu Ulu O Lele Park, located in Lahaina, Maui, Hawaii. The land comprising of Malu Ulu O Lele Park is identified in State Executive Order Nos. 52, 3430, and 2889, and is further identified as tax map key numbers (2) 4-6-007:002, (2) 4-6-007:001, and (2) 4-6-007:036.

3. Lahaina Banyan Court, located in Lahaina, Maui, Hawaii. The land comprising of Lahaina Banyan Court is identified in State Executive Order No. 16-2, and is further identified as tax map key number (2) 4-6-001:009.

4. Lahaina Courthouse Park, located in Lahaina, Maui, Hawaii. The land comprising of Lahaina Courthouse Park is identified in State Executive Order No. 80, and is further identified as tax map key number (2) 4-6-001:001.

5. Kamehameha Brick Palace, located in Lahaina, Maui, Hawaii. The land comprising of Kamehameha Brick Palace is identified as tax map key number (2) 4-6-001:004.

6. Hale Aloha Church, located in Lahaina, Maui,

Hawaii. The land comprising of Hale Aloha Church is identified as tax map key number (2) 4-6-008:043.

7. Hale Paahao, located in Lahaina, Maui, Hawaii. The land comprising of Hale Paahao is identified in State Executive Order No. 16-3, and is further identified as tax map key number (2) 4-6-008:044.

C. Notwithstanding section 13.04A.270, anyone who violates subsection B is, upon conviction, guilty of a petty misdemeanor as defined in section 701-107, Hawaii Revised Statutes, and is subject to a fine of not more than \$500 and imprisonment for a term not to exceed thirty days.”

SECTION 2. 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 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS
Department of the Corporation Counsel

hcp:misc:050abill02:wal

INTRODUCED BY:

Upon the request of the Mayor.