

ORDINANCE NO. _____

BILL NO. 108 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.76 AND SECTION 13.04A.070, MAUI COUNTY CODE, RELATING TO USE OF VEHICLES FOR PURPOSES OF HUMAN HABITATION AT COUNTY PARKING LOTS

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

SECTION 1. The 2016 Hawaii Housing Planning Study (“Study”) states the Homeless Point-In-Time count for the County of Maui was 1,137, an 18.6 percent increase from the year before. In addition, the Study identifies 5.8 percent of households in the County of Maui as “hidden homeless” households where someone living in the household does not have the resources to buy or rent their own place, and an additional 23.9 percent of households are at risk of being homeless.

Sweeps of homeless encampments merely shift people from one place to another. Multiple solutions are needed to address the growing homeless population. The purpose of this bill is to enact an ordinance in accordance with Section 291C-113, Hawaii Revised Statutes (“HRS”), to establish a pilot project allowing homeless people to temporarily use their vehicles for purposes of human habitation on County of Maui property. Without this enabling ordinance, use of any vehicle for human habitation between the hours of 6:00 p.m. and 6:00 a.m. while the vehicle is parked on any roadway, street, highway, or other public property is prohibited by Section 291C-112, HRS.

SECTION 2. Chapter 10.76, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

“10.76.076 County parking lots used for human habitation. A. Definitions. Whenever used in this section, unless the context otherwise requires:

“Department” means a department established under chapter 2.12.

“Director” means the director of a department established under chapter 2.12.

“Purposes of human habitation” includes use of a vehicle as a dwelling place, living abode, or sleeping place.

B. People can use vehicles for purposes of human habitation within the area designated by the director at parking lots managed by the department, subject to the following:

1. Human habitation within vehicles is permitted from 10:00 p.m. to 6:00 a.m.

2. Vehicles must enter from 10:00 p.m. to 11:00 p.m. and must exit from 5:00 a.m. to 6:00 a.m.

3. Gates to the parking lot must be locked at 11:00 p.m. and must remain locked until 5:00 a.m. Except for emergency purposes or as authorized by the director, vehicles must not enter or exit the parking lot from 11:00 p.m. to 5:00 a.m.

4. Each person within the vehicle must register with department staff or other authorized personnel upon entering the parking lot.

5. Cooking, including on a grill or hibachi, is prohibited.

6. Department staff, or other personnel authorized by the director, must monitor the parking lot from 10:00 p.m. to 6:00 a.m.

7. All county, state, and federal laws, rules, and regulations must be complied with, including section 13.04A.070.

C. The council must review this section within twelve months after the ordinance establishing it takes effect.”

SECTION 3. Section 13.04A.070, Maui County Code, is amended by amending subsection B to read as follows:

“B. Except as otherwise authorized by permit, license, lease, or contract issued in accordance with this code, within the

limits of any park or recreational facility, it is unlawful for any person to:

1. Be present during designated closed hours for that park or recreational facility, or between the hours of 10:00 p.m. and 6:00 a.m., or when closed to the public [pursuant to] under section 13.04A.040(B)(1)[.], except as authorized under chapter 10.76.
2. Distribute, post, or place any commercial handbill, circular, notice, or other advertising material.
3. Wash, polish, or repair cars or other vehicles.
4. Store, repair, or condition any boat, canoe, raft, or other vessel.
5. Park or operate any vehicle on grassed or sand areas with the exception of a personal mobility device.
6. Use or operate loudspeakers.
7. Dance on any gymnasium floor.
8. Engage in archery.
9. Kindle, build, maintain, or use any fire other than in a grill or hibachi.
10. Display or set off fireworks.
11. Engage in commercial activity, including catering or other commercial food distribution.
12. Provide classes, lessons, teaching, or instruction.
13. Bring into, possess, or dispose of any human or animal remains.
14. Feed any animal or animals, or stage any food or water for any animal or animals, except as provided in subsection D.
15. Manage feral animal colonies. Any colony management authorized by a permit, license, lease, or contract issued in accordance with this code must be designed to reduce and eliminate the colony.
16. Consume any intoxicating liquor:
 - a. Between the hours of 10:00 p.m. and 6:00 a.m.
 - b. At any time in any public restroom.
 - c. Within a one thousand five hundred foot radius of the boundary of any public or private preschool, kindergarten, elementary, intermediate, middle, secondary, or high school, or youth center, between the hours of 6:00 a.m. and 10:00 p.m., except on weekends[,] and State and County holidays.”

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:

A handwritten signature in black ink, appearing to read 'mimi Desjardins', is written over a horizontal line.

MIMI DESJARDINS

Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
LF2022-0742
2022-05-18 Ord Amd Ch 10.76 & 13.04A
paf:jbf:22-082a

INTRODUCED BY:

Kelly T. King

KELLY TAKAYA KING