

REQUEST FOR LEGAL SERVICES

Date: September 27, 2021
From: Michael J. Molina, Chair
Government Relations, Ethics, and Transparency Committee


TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Moana Lutey, Corporation Counsel.

Subject: BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS
(GREAT-44)

Background Data: Please see the attached bill. Please submit response to great.committee@mauicounty.us with reference to GREAT-44.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☐ OTHER:

Requestor's signature  Michael J. Molina	Contact Person <u>James Forrest</u> (Telephone Extension: <u>7137</u>)
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☒ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☐ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): _____
REASON: _____

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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 _____

By _____

(Rev. 7/03)

great:ltr:044acc02:jbf

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 5.22, MAUI COUNTY
CODE, RELATING TO LIMITING BIKE TOUR OPERATIONS

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

SECTION 1. Chapter 5.22, Maui County Code, is amended by adding a
section to be appropriately designated and to read as follows:

“5.22.090 Bicycle tours operating in the Makawao-Pukalani-Kula and Paia-Haiku community plan areas. A. No more than six bicycle tours are allowed to operate each day in each of the Makawao-Pukalani-Kula and Paia-Haiku community plan areas.

B. No more than ten guests per tour are allowed for bicycle tours operating in the Makawao-Pukalani-Kula and Paia-Haiku community plan areas.

C. Bicycle tours are only allowed between 9:00 a.m. and 1:00 p.m. if operating in either or both of the Makawao-Pukalani-Kula and Paia-Haiku community plan areas.

D. Each bicycle tour business is limited to one tour per two hours if operating in either or both of the Makawao-Pukalani-Kula and Paia-Haiku community plan areas.

E. Unguided bicycle tours are prohibited in the Makawao-Pukalani-Kula and Paia-Haiku community plan areas.

F. Guides must ride at the front and back of tour groups if operating in either of the Makawao-Pukalani-Kula and Paia-Haiku community plan areas.

F. Guests of bicycle tours in the Makawao-Pukalani-Kula and Paia-Haiku community plan areas must sign the Bike Pono pledge: “I will BIKE PONO with awareness of my surroundings, attention to my bike speed, and upmost safety for myself and cars to share the roads.””

SECTION 2. Section 5.22.050, Maui County Code, is amended to read as follows:

“5.22.050 - Inspection of permit. Any person or business issued a permit under this chapter must at all times keep the permit in a prominent place, convenient for inspection, while engaging in bicycle tour activities. All permit numbers must also be prominently displayed on a bicycle tour business’s booking website. Any person failing to comply with the requirement of this section will be fined not less than \$20 nor more than \$100.”

SECTION 3. Section 5.22.060, Maui County Code, is amended to read as follows:

**“5.22.060 - Unlawful bicycle tour operations—penalty—
forfeiture.** Any business or person who engages in bicycle tour activities without first obtaining a permit issued in conformity with this chapter will be ordered to discontinue the bicycle tour business and fined not less than \$200 nor more than ~~[\$1,000]~~ \$4,000.”

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 upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel
County of Maui

great:misc:044abill02:jbf