

Maui County, Hawaii, Code of Ordinances >> Title 3 - REVENUE AND FINANCE >> Chapter 3.32 HOUSING INTERIM FINANCING AND BUY-BACK REVOLVING FUND >>

A. Chapter 3.32 HOUSING INTERIM FINANCING AND BUY-BACK REVOLVING FUND

Sections:

3.32.010 Established.

3.32.020 Purpose.

3.32.030 Authorization; interest rate.

3.32.040 Administration.

3.32.010 Established.

There is created and established a fund to be known as the "Housing Interim Financing and Buy-back Revolving Fund."

(Ord. 934 § 1 (part), 1979; prior code § 5-10.1)

3.32.020 Purpose.

There shall be deposited into the housing interim financing and buy-back revolving fund all moneys received by the county from banking institutions for the purpose of providing interim financing for county housing projects pursuant to the authorization granted in this chapter to the director of finance, and for the purpose of purchasing housing units pursuant to repurchase options and other buy-back provisions granted to the county under agreements with homeowners under the county's housing program and projects or under any agreement granting such rights to the county.

(Ord. 934 § 1 (part), 1979; prior code § 5-10.2)

3.32.030 Authorizatlon; interest rate.

A. The director of finance is authorized to enter into agreements with any banking or lending institution on behalf of the county of Maui and/or Hale Mahaolu in an aggregate amount not to exceed thirty-five million dollars for the purpose of providing interim financing for the following housing projects:

1. Kahului Homeownership Project;
2. Hana Housing Project;
3. Honokowai Housing Project;
4. Central Maui Homeownership Project;
5. Kihei Housing Project;
6. Paukukalo Housing Project;
7. Luana Gardens I Housing Project;
8. Luana Gardens II Rental Project;
9. Luana Gardens III Rental Project;
10. Upper Paia Homeownership Project;
11. Lanai Rental Project;

RECEIVED AT BF MEETING ON 4/22/16
Committee Chair Hokama

12. West Maui Homeownership Project;
 13. West Molokai Housing Project;
 14. Lahaina Housing Project;
 15. Lanai Housing Project;
 16. Waiale Road Housing Project.
- B. The director of finance is authorized to utilize funds from the housing interim financing and buy-back revolving fund for the purpose of purchasing housing units pursuant to repurchase options and other buy-back provisions granted to the county under agreements with homeowners under the county's housing programs and projects, or under any agreement granting such rights to the county; further, the director of finance is authorized to deposit in the fund proceeds from the sale of housing units purchased pursuant to the repurchase options, and the director of finance is authorized to use the funds for the purposes identified in this section.
- C. Interest Rate. Pursuant to the authority granted to the council by chapter 47, Hawaii Revised Statutes, the interest rate for bonds issued under the provisions of said chapter for the housing interim financing and buy-back revolving fund shall not exceed an average of twelve percent per year.

(Ord. 2290 § 1, 1993; Ord. 2249 § 1, 1993; Ord. 1295 § 1, 1983; Ord. 1229 § 1, 1982; Ord. 934 § 1 (part), 1979; prior code § 5-10.3)

3.32.040 Administration.

The director of finance shall be responsible for the administration of this fund and is further authorized to use the fund to provide interim financing for the housing projects identified in this chapter and to purchase housing units pursuant to repurchase options and other buy-back provisions granted to the county under agreements with homeowners all in accordance with such procedures as he may prescribe.

(Ord. 934 § 1 (part), 1979; prior code § 5-10.4)

Maui County, Hawaii, Code of Ordinances >> Title 3 - REVENUE AND FINANCE >> Chapter 3.52 NASKA SEWAGE PUMP STATION FUND >>

B. Chapter 3.52 NASKA SEWAGE PUMP STATION FUND

Sections:

3.52.010 Purpose.

3.52.020 Fund established.

3.52.030 Authorization.

3.52.040 Administration.

3.52.010 Purpose.

The Naska sewage pump station is a facility of the state of Hawaii which services the Kahului Airport and which is connected to the county sewerage system. The state has requested that the county maintain and operate this pump station, and has agreed to pay for operations and maintenance costs. In order to facilitate the administration of this arrangement, a fund is necessary to ensure that a ready source of revenue is available to meet operational expenditure requirements on an ongoing basis.

(Ord. 1300 § 1 (part), 1983)

3.52.020 Fund established.

There is established and created a fund to be known as the "Naska sewage pump station fund."

(Ord. 1300 § 1 (part), 1983)

3.52.030 Authorization.

The mayor is authorized to enter into an agreement with the state of Hawaii, which will ensure that the cost of operating and maintaining the Naska sewage pump station shall be borne by the state. Such agreement shall provide for such financial arrangements as will ensure that the fund created by this chapter shall be sufficient to operate and maintain said sewage pump station.

(Ord. 1300 § 1 (part), 1983)

3.52.040 Administration.

- A. The director of environmental management shall administer the agreement entered into pursuant to this chapter.
- B. The revenues received from the State of Hawaii are hereby appropriated for the purpose of this fund, and subsequent revenues shall be deemed so appropriated upon receipt.
- C. The director of finance is authorized to disburse such available amounts from this fund as may be requested by the director of environmental management.

(Ord. No. 3720, § 1, 2010; Ord. 1300 § 1 (part), 1983)

Maui County, Hawaii, Code of Ordinances >> Title 3 - REVENUE AND FINANCE >> Chapter 3.68 FIRE HAZARD REMOVAL REVOLVING FUND >>

C. Chapter 3.68 FIRE HAZARD REMOVAL REVOLVING FUND

Sections:

3.68.010 Purpose.

3.68.020 Fund established.

3.68.030 Administration.

3.68.010 Purpose.

Pursuant to chapter 132, Hawaii Revised Statutes, the County fire chief is authorized to make such expenditures as may be necessary to render buildings or premises safe from fire where the owner or occupant neglects or refuses to do so. The expenses incurred by such action of the fire chief shall be recoverable against the owner or occupant. In order to enable the fire chief to provide fire protection to the people and property of this County, and to carry out and fulfill the purposes of state law, the establishment of a revolving fund is necessary to ensure that a ready source of revenue is available to meet the operational expenses for fire hazard removal on an ongoing basis.

(Ord. 1550 § 1 (part), 1986)

3.68.020 Fund established.

There is established and created a fund to be known as the "Fire Hazard Removal Revolving Fund."

(Ord. 1550 § 1 (part), 1986)

3.68.030 Administration.

- A. The director of finance shall establish a separate account to record all revenues derived and expenses incurred which result from fire hazard removal services performed by the County and to record all revenues derived from civil fines collected pursuant to section 16.04A.630 of this code.
- B. The revenues received are deemed appropriated upon receipt and are authorized to be expended for the purposes of this fund.
- C. In the event the owner or occupant refuses to pay the expenses incurred by the fire chief for the removal of the fire hazard within thirty days of such action by the fire chief, the director of finance is authorized to file a lien on the real estate on which the buildings or structures were located, or on the premises involved. The notice of the lien shall be recorded in the bureau of conveyances or with the assistant registrar of the land court, if the real estate or premises involved is registered in the land court, and once recorded, shall be a prior lien on the property.

(Ord. 2662 § 1, 1998; Ord. 1550 § 1 (part), 1986)

D. Plan Review, Permit Processing, and Inspection Revolving Fund

16.26B.108 Section 108 amended.

Section 108 of the International Building Code is amended to read as follows:

SECTION 108 FEES

108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

108.2 Schedule of permit fees. On buildings, structures, or additions, alterations or repairs requiring a permit, a fee for each permit shall be paid as required, and as set forth in the annual budget ordinance, and shall be paid prior to the issuance of any building permit.

Exceptions:

1. Affordable housing projects built and offered for sale or rental in accordance with Chapter 2.86 of this code, shall be assessed fifty percent of the building permit fee.
2. All units in a residential development in which one hundred percent of the units qualify as residential workforce housing units, as defined in section 2.96.020 of this code, shall be exempt from the fee.
3. A residential workforce housing unit, as defined in section 2.96.020 of this code, shall be assessed fifty percent of the fee.
4. When building permits are required for a county capital improvement program project, no fee shall be charged for such permits.
5. When permits are required for projects located on the island of Molokai, pursuant to County Council Resolution No. 96-42 relating to designation of the island of Molokai as an enterprise zone, no fee shall be charged for such permits for projects valued at \$200,000 or less. This fee waiver shall be applied only once per structure.

The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. The valuation per square foot for dwellings, private garages, decks, and patios shall be as follows:

1. Dwellings:	Cost Per Square Feet
Type V – Masonry	\$135.00
Type V – Wood Frame	\$125.00
Basement – Unfinished	\$40.00
2. Private Garages:	
Masonry	\$55.00
Wood Frame	\$45.00
Open Carports	\$35.00
3. Decks and Patios:	
Open	\$20.00
Covered	\$35.00

Valuation for commercial projects shall be based on the architect or engineer of record submitted value or contractor awarded cost of construction. Adjustments to the valuations may be made by the building official for special architectural or structural features, type of material and location of project.

108.2.1 Plan review fees and fund. When submittal documents are required by subsection 106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 25 percent of the building permit fee. The plan review fees specified in this section are in addition to the permit fees in subsection 108.2 of this code.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in subsection 106.3.4.2, an additional plan review fee shall be charged as set forth in the annual budget ordinance and shall be paid prior to the issuance of any building permit.

The building official may authorize an expedited plan review process. When the building official issues a building permit where a plan review is waived, pursuant to section 105.3.3 of this code, the applicant shall pay fifty percent of the building permit fee as the plan review fee.

There is hereby established and created a fund to be known as the "Plan Review, Permit Processing, and Inspection Revolving Fund." The fees collected pursuant to this subsection are hereby deemed appropriated upon receipt and may be expended for salaries, training, contracts, rent payments, fixtures, materials, supplies, and equipment that facilitate plan review and for payment of overtime for plan checking, permit processing, and inspections.

108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

108.4 Work without a permit. When work for which a permit is required by this code is started or proceeded with before obtaining a permit, the fees as set forth in the annual budget ordinance shall be doubled or increased by an additional amount of \$500, whichever is the greater, but the payment of such fees shall not relieve any persons from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed in accordance with the Maui County Code and any rules adopted by the department.

Inspections shall be required for any work commenced without a permit required by this code. It shall be the responsibility of the permit holder to cause the work to be accessible and exposed for inspection purposes. When any work has been concealed prior to inspection, the property owner may submit a certificate from a building contractor, an architect, or a structural engineer licensed in the State of Hawaii that all work done without inspection complies with the provisions of this code and a hold harmless agreement, releasing the County of all liability. This agreement shall be recorded with the Bureau of Conveyances. The contents of the certificate and the hold harmless agreement shall be in a form acceptable to the building official. The permit holder must still obtain a final inspection which the building official shall perform. Upon receiving an acceptable certificate and hold harmless agreement, the building official may issue a certificate of final inspection or a certificate of occupancy, subject to the terms and conditions contained in the aforementioned agreement,

indicating that certain work has been exempted from inspections at the property owner's request.

108.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

108.6 Refunds. If requested in writing by the permittee, the building official may authorize refunding 50 percent of the permit fee paid when no work has been done under an unexpired permit.

If requested in writing by the permittee, the building official may authorize refunding 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any review of plans is initiated. The building official shall not authorize refunding of any fee paid if any work covered by the permit has been initiated. For permit fee refund purposes, work includes any earthwork which utilized the exemption contained in chapter 20.08 of the Maui County Code.

(Ord. No. 3928, § 3, 2012)

Maui County, Hawaii, Code of Ordinances >> Title 3 - REVENUE AND FINANCE >> Chapter 3.25 MOTOR VEHICLE REGISTRATION >>

Chapter 3.25 MOTOR VEHICLE REGISTRATION

Sections:

3.25.010 Applicability of state statutes.

3.25.020 Fees.

3.25.030 Highway beautification fee—revolving fund.

3.25.010 Applicability of state statutes.

All provisions and requirements of chapter 286 of the Hawaii Revised Statutes shall be applicable for the purposes of this chapter.

(Ord. 1232 § 1 (part), 1982)

3.25.020 Fees.

The director of finance shall charge the following fees as set forth in the annual budget:

1. Fees for sale of new and replacement license plates, dealer plates, and special license plates;
2. Fees for registration of motor vehicles and emblems or tags;
3. Fees for motor vehicle transfer and transfer penalty;
4. Fees for duplicate certificate;
 - a. Certificate of registration and duplicate, and
 - b. Certificate of ownership and duplicate;
5. Fees for correction of certificates;
6. Fees for power of attorney;
7. Fees for out-of-state vehicle permit; and
8. Fees for reassignment of passenger automobile plates.

(Ord. 2778 § 1, 1999; Ord. 1232 § 1 (part), 1982)

E. 3.25.030 Highway beautification fee—revolving fund.

- A. The director of finance, in accordance with section 286-51(b), HRS, as amended, shall annually collect an additional fee for each certificate of registration.
The amount of the fee to be collected shall be set forth in the annual budget.
- B. The moneys so assessed and collected shall be placed in a revolving fund entitled, "the highway beautification and disposal of abandoned vehicles revolving fund," to be used and administered by the County for the purpose of beautification and other related activities, including, but not limited to, animal management program carcass removal and Community Work Day highway beautification, concerning highways under the ownership, control, and jurisdiction of the County, and to defray the additional cost in the disposition and other related activities of abandoned vehicles as prescribed in chapter 290, HRS.

(Ord. 2868 § 1, 2000; Ord. 1814 § 1, 1989)

- (D) No interest under this paragraph shall be imposed on interest provided by this paragraph.
- (E) If any portion of a tax is satisfied by credit of any overpayment, then no interest shall be imposed under this paragraph on the portion of the tax so satisfied for any period during which, if the credit had not been made, interest would have been allowable with respect to the overpayment.
- (F) Interest prescribed under this paragraph on any tax may be assessed and collected at any time during the period within which the tax to which the interest relates may be collected.
- (G) This paragraph shall not apply to any failure to pay estimated tax required by section 235-97."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 15, 1988.)

F.

ACT 387

S.B. NO. 2195

A Bill for an Act Relating to a Revolving Loan Program for Business Opportunities on Molokai.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the economy of the island of Molokai is at a critical juncture. The residents have long relied on the pineapple industry as the major provider of jobs; however, since the closure of Dole Company's operations in 1976 and the reduction of Del Monte's operations in 1983, hundreds of Molokai residents have been jobless and the island's unemployment rate at over fourteen per cent is the highest in the State. The legislature further finds that the revival of Molokai's economy is contingent on the development and growth of small businesses, especially in diversified agriculture, and that it is in the public interest to provide financial support to facilitate such development and growth on Molokai. The purpose of this Act is to establish a revolving loan program to stimulate business development and growth in diversified agriculture on the island of Molokai.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$250,000, or so much thereof as may be necessary for fiscal year 1988-1989, for the establishment of a revolving loan program to provide financing opportunities for small business ventures in diversified agriculture on Molokai. The sum appropriated shall be expended by the county of Maui for the purposes of this Act.

SECTION 3. (a) The county of Maui shall establish a temporary revolving loan program to provide financing opportunities for small business ventures in diversified agriculture on Molokai. To carry out the loan program, the county shall establish a revolving fund from which moneys shall be loaned in accordance with this Act and into which all payments, interest, and fees collected by the county on such loans shall be deposited.

(b) The program shall provide loans to qualified applicants with the following terms and conditions:

ACT 388

- (1) No loan shall be granted unless financial assistance is not otherwise available to the applicant;
- (2) The amount of a loan or loans to any one applicant at any one time shall not exceed \$150,000;
- (3) The maximum term of a loan shall not exceed twenty years;
- (4) Each loan shall bear interest conforming to the department of agriculture's "Agricultural Loans" rate, policies, and practices; and
- (5) The commencement date for the repayment of the first installment on the principal and interest of each loan may be deferred by the mayor of the county of Maui for a period not to exceed two years.

(c) The program shall be administered by the county of Maui. The county of Maui, in consultation with the department of agriculture, shall adopt rules to carry out the program's purpose. The loan applications shall be reviewed initially by the credit review committee of the Molokai task force. The committee shall make recommendations regarding the suitability of the proposed business concepts. The county of Maui shall make the final decision to approve or disapprove the application.

SECTION 4. The county of Maui may expend up to \$40,000 from the revolving fund in each year the revolving loan program is in operation for the purpose of hiring a professional staff person for, and to cover the operating costs of, the program.

SECTION 5. The county shall annually submit a written report as of December 31, to the governor and the legislature, on the progress of the revolving loan program for each year the revolving loan program is in operation.

SECTION 6. This Act shall take effect on July 1, 1988.

(Approved June 15, 1988.)

ACT 388

S.B. NO. 2253

A Bill for an Act Relating to the Sale of Gasoline.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 486, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§486- Price posting by gallon required. The director shall adopt rules to require any retail dispenser of gasoline, whose variator price is set in liters, for every grade of gasoline sold, to post on top or on the face panel of each gasoline pump and on any other pricing advertisement in conspicuous numbers comparable in size to any other posted price, the price per United States gallon for the gasoline dispensed. If the variator price is set in gallons, no liter price posting or advertisement shall be required. Nothing in this section shall be deemed to require that gasoline be sold by the gallon.

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect one hundred eighty days after its approval.

(Approved June 15, 1988.)

I. E

A Bill for
Be It Enac

SEC
as follows:

"§1
proper statu
to any age
thirty calen
the goods c
paying age
interest fro
effective ra
fifth) thirtie
goods or pe
of the warr
is due to: a
concerning
chanical fai
of the State
receipt of fi
shall clearly
for bids com
then interest
thirtieth day
thirtieth day
later, and w
or services
from the pet
a higher thr
quirement."

SEC
material is u

SEC
(Appr

A Bill for an
Be It Enact

SECT
Appropriation

G. Construction Plan Review Revolving Fund

Maui County, Hawaii, Code of Ordinances >> Title 18 - SUBDIVISIONS >> Chapter 18.24 FEES >>

Chapter 18.24 FEES

Sections:

18.24.010 Designated.

18.24.030 Payment.

18.24.010 Designated.

- A. Each subdivision application shall include a filing fee as set forth in the annual budget ordinance.
- B. Each request for adjustment, amendment, correction, revision, or any other modification of any preliminary or final approval shall include a processing fee as set forth in the annual budget ordinance.
- C. The fees set forth in this chapter are not required for any subdivision application submitted by or on behalf of any County agency.
- D. When a plan or other data is required to be submitted by section 18.20.150 of this code, a plan review fee shall be paid upon submission of the plan or other data to the department of public works and environmental management. The plan review fee shall be as is set forth in the annual budget and shall be in addition to the other fees set forth in this section.
- E. There is established and created a fund to be known as the "Construction Plan Review Revolving Fund." The fees collected pursuant to subsection 18.24.010D of this code are deemed appropriated upon receipt and are authorized to be expended for the hiring of persons employed on a fee, contract or piecework basis, or independent contractors to assist in plan checking, permit processing, and inspections. The fees may also be expended for payment of overtime for plan checking, permit processing, and inspections.

(Ord. 3125 § 1, 2003; Ord. 2976 § 1, 2001; Ord. 1904 § 1, 1990; Ord. 789 § 1 (part), 1974; prior code § 11-1.5(a))

18.24.030 Payment.

The payment of the fees shall be made at the office of the department of public works and environmental management and made payable to the director of finance, County of Maui. The fees shall not be refunded.

(Ord. 3125 § 2, 2003; Ord. 2976 § 3, 2001; Ord. 789 § 1 (part), 1974; prior code § 11-1.5(c))

Maui County, Hawaii, Code of Ordinances >> Title 3 - REVENUE AND FINANCE >> Chapter 3.34
RENTAL HOUSING DEVELOPMENT REVOLVING FUND >>

H. Chapter 3.34 RENTAL HOUSING DEVELOPMENT REVOLVING FUND

Sections:

3.34.010 Purpose.

3.34.020 Fund established.

3.34.030 Administration.

3.34.010 Purpose.

All county rental housing project rent moneys in excess of expenses shall be deposited in a revolving fund whose proceeds shall be used for the purpose of developing county rental housing projects.

(Ord. 1918 § 1, 1990)

3.34.020 Fund established.

There is established and created a fund to be known as the "Rental Housing Development Revolving Fund."

(Ord. 1918 § 1, 1990)

3.34.030 Administration.

- A. The director of finance shall establish a separate account to record all revenues derived and expenses incurred from the provision of county rental housing.
- B. The revenues received are hereby deemed appropriated upon receipt and are authorized to be expended for the purposes of this fund.

(Ord. 1918 § 1, 1990)

I. Liquor Education Fund

§281-16 County liquor commission and liquor control adjudication board funds; disposition of realization; payment of expenses. All fees and other moneys collected or received by each liquor commission or liquor control adjudication board under this chapter shall be paid not less than weekly into the general fund of the respective county or a special fund as provided by ordinance. All expenses of the commission or board, including any expenses and compensation of its members and expenses and salaries of its subordinates, shall be paid in the manner provided by ordinance. [L Sp 1933, c 40, §19; RL 1935, §2588; am L 1937, c 211, §11; RL 1945, §7240; RL 1955, §159-15; am L 1959, c 265, §9(d); am L 1963, c 78, §1 and c 172, §2(d); HRS §281-16; am L 1981, c 108, §1; am L 1998, c 249, §7]

[Previous](#)

[Vol05_Ch0261-0319](#)

[Next](#)

§281-17 Jurisdiction and powers. (a) *[Repeal and reenactment on May 5, 2017. L 2012, c 297, §4.]* The liquor commission, within its own county, shall have the sole jurisdiction, power, authority, and discretion, subject only to this chapter:

- (1) To grant, refuse, suspend, and revoke any licenses for the manufacture, importation, and sale of liquors;
- (2) To take appropriate action against a person who, directly or indirectly, manufactures, sells, or purchases any liquor without being authorized pursuant to this chapter; provided that in counties which have established by charter a liquor control adjudication board, the board shall have the jurisdiction, power, authority, and discretion to hear and determine administrative complaints of the director regarding violations of the liquor laws of the State or of the rules of the liquor commission, and impose penalties for violations thereof as may be provided by law;
- (3) To control, supervise, and regulate the manufacture, importation, and sale of liquors by investigation, enforcement, and education; provided that any educational program shall be limited to the commission staff, commissioners, liquor control adjudication board members, licensees and their employees and shall be financed through the money collected from the assessment of fines against licensees; provided that fine moneys, not to exceed ten per cent a year of fines accumulated, may be used to fund public liquor related educational or enforcement programs;
- (4) From time to time to make, amend, and repeal such rules, not inconsistent with this chapter, as in the judgment of the commission seem appropriate for carrying out this chapter and for the efficient administration thereof, and the proper conduct of the business of all licensees, including every matter or thing required to be done or which may be done with the approval or consent or by order or under the direction or supervision of or as prescribed by the commission; which rules, when adopted as provided in chapter 91 shall have the force and effect of law;
- (5) Subject to chapter 76, to appoint and remove an administrator, who may also be appointed an investigator and who shall be responsible for the operations and activities of the staff. The administrator may hire and remove hearing officers, investigators, and clerical or other assistants as its business may from time to time require, to prescribe their duties, and fix their compensation; to engage the services of experts and persons engaged in the practice of a profession, if deemed expedient. Every investigator, within the scope of the investigator's duties, shall have the powers of a police officer;
- (6) To limit the number of licenses of any class or kind within the county, or the number of licenses of any class or kind

- to do business in any given locality, when in the judgment of the commission such limitations are in the public interest;
- (7) To prescribe the nature of the proof to be furnished, the notices to be given, and the conditions to be met or observed in case of the issuance of a duplicate license in place of one alleged to have been lost or destroyed, including a requirement of any indemnity deemed appropriate to the case;
 - (8) To fix the hours between which licensed premises of any class or classes may regularly be open for the transaction of business, which shall be uniform throughout the county as to each class respectively;
 - (9) To prescribe all forms to be used for the purposes of this chapter not otherwise provided for in this chapter, and the character and manner of keeping of books, records, and accounts to be kept by licensees in any matter pertaining to their business;
 - (10) To investigate violations of this chapter, chapter 244D and, notwithstanding any law to the contrary, violations of the applicable department of health's allowable noise levels, through its investigators or otherwise, to include covert operations, and to report violations to the prosecuting officer for prosecution and, where appropriate, the director of taxation to hear and determine complaints against any licensee; provided that a liquor commission in a county with a population of seven hundred thousand or greater may establish a pilot program that employs both a dBA and a dBC sound level measurement system for the purpose of community noise control; provided further that the dBC sound level measurements shall be in accordance with the following maximum permissible sound levels in dBC:
 - (A) Zoning districts that include all areas equivalent to lands zoned residential, conservation, preservation, public space, open space, or similar type shall have a maximum dBC sound level of fifty-five from 7:00 a.m. to 10:00 p.m. and a maximum dBC level of forty-five from 10:00 p.m. to 7:00 a.m.;
 - (B) Zoning districts that include all areas equivalent to lands zoned for multi-family dwellings, apartment, business, commercial, hotel, resort, or similar type shall have a maximum dBC sound level of sixty from 7:00 a.m. to 10:00 p.m. and a maximum dBC level of fifty from 10:00 p.m. to 7:00 a.m.; and
 - (C) Zoning districts that include all areas equivalent to lands zoned in agriculture, country, industrial, or similar type shall have a maximum dBC sound level of seventy from 7:00 a.m. to 10:00 p.m. and a maximum dBC level of seventy from 10:00 p.m. to 7:00 a.m.;
 - (11) To prescribe, by rule, the terms, conditions, and circumstances under which persons or any class of persons

may be employed by holders of licenses;

(12) To prescribe, by rule, the term of any license or solicitor's and representative's permit authorized by this chapter, the annual or prorated amount, the manner of payment of fees for the licenses and permits, and the amount of filing fees; and

(13) To prescribe, by rule, the circumstances and penalty for the unauthorized manufacturing or selling of any liquor.

(b) Subject only to this chapter, the commission or board and each member thereof shall have the same powers respecting the administering of oaths, compelling the attendance of witnesses and the production of documentary evidence, and examining the witnesses as are possessed by a circuit court, except that the commission or board and each member thereof shall not be bound by the strict legal rules of evidence. In addition, the commission or board shall have the power to require the production of, and to examine any books, papers, and records of any licensee which may pertain to the licensee's business under the license or which may pertain to a matter at a hearing before the commission or board or to an investigation by the commission or board.

The exercise by the commission or board of the power, authority, and discretion vested in it pursuant to this chapter shall be final and shall not be reviewable by or appealable to any court or tribunal, except as otherwise provided in this chapter or chapter 91. [L Sp 1933, c 40, §8; RL 1935, §2577; am L 1935, c 105, §§4, 5; am L 1937, c 211, §5; am L Sp 1941, c 41, §2; RL 1945, §7228; RL 1955, §159-16; am L 1961, c 92, §1; am L 1963, c 172, §2(e); am L 1965, c 31, §1(3) and c 96, §96; HRS §281-17; am L 1969, c 225, §1(a), (b); am L 1973, c 31, §21; am L 1985, c 109, §1; am L 1986, c 344, §13; am L 1987, c 223, §1; am L 1990, c 171, §6; am L 1998, c 249, §8; am L 2000, c 253, §150; am L 2002, c 111, §3; am L 2003, c 3, §8 and c 69, §4; am L 2009, c 184, §4; am L 2012, c 297, §2]

Cross References

Criminal history record checks, see §846-2.7.

Review, see §§91-14, 281-92.

Case Notes

Plaintiff must exhaust its administrative remedy in the circuit court before it may pursue its state law claims, as required by this section; thus, defendants' motion to dismiss plaintiff's state law claims under the state constitution, chapter 281, and the liquor commission rules, granted. 681 F. Supp. 2d 1209 (2009).

Commission action, reviewability. 40 H. 485.

Provisions of this section inconsistent with county charter provisions are superseded. 59 H. 65, 576 P.2d 1029.

Section grants very broad authority to county liquor commission to adopt rules to abolish racially discriminatory practices by liquor

licensees. 69 H. 238, 738 P.2d 1205.

[Previous](#)

[Vol05_Ch0261-0319](#)

[Next](#)

ORDINANCE NO. 2590

BILL NO. 51 (1997)

A BILL FOR AN ORDINANCE AMENDING TITLE 3 OF THE
MAUI COUNTY CODE, PERTAINING TO THE ESTABLISHMENT
OF AN ANIMAL MANAGEMENT REVOLVING FUND

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

SECTION 1. Title 3 of the Maui County Code is amended by
adding thereto a new chapter to be designated and to read as
follows:

"Chapter 3.84

J.

ANIMAL MANAGEMENT REVOLVING FUND

Sections:

3.84.010 Fund establishment.
3.84.020 Purpose.
3.84.030 Administration.

3.84.010 Fund establishment. There is established
and created a fund known as the animal management
revolving fund.

3.84.020 Purpose. The purpose of the animal
management revolving fund shall be to provide funds for
animal management in the County of Maui. Fees collected
for licensing, impounds, redemptions, adoptions, and
pickups of animals shall be deposited in the animal
management revolving fund and shall be used to fund
animal management programs.

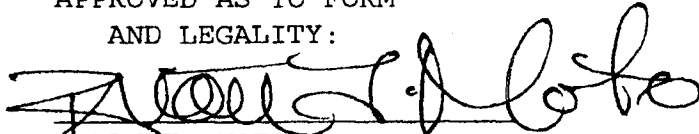
3.84.030 Administration. The director of finance
shall establish:

A. A separate account to record all revenues derived from fees for licensing, impounds, redemptions, adoptions, and pickups of animals.

B. The revenues derived from the fees are deemed appropriated upon receipt and are authorized to be expended for the purposes of this fund."

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



BRIAN T. MOTO
Deputy Corporation Counsel
County of Maui

s:\syclord\animal

WE HEREBY CERTIFY that the foregoing BILL NO. 51 (1997)

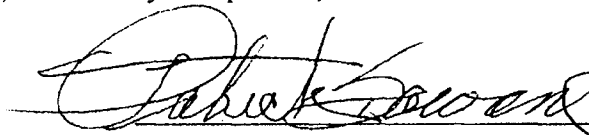
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 19th day of September, 1997, by the following votes:

Patrick S. KAWANO Chair	James "Kimo" APANA Vice-Chair	Alan ARAKAWA	J. Kalani ENGLISH	Sol P. KAHO'OHALAHALA	Alice L. LEE	Dennis Y. NAKAMURA	Wayne K. NISHIKI	Charmaine TAVARES
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

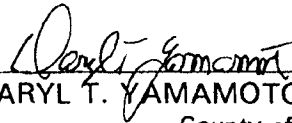
2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 19th day of September, 1997.

DATED AT WAILUKU, MAUI, HAWAII, this 19th day of September, 1997.

RECEIVED
1997 SEP 19 PM 1:55
OFFICE OF THE MAYOR



PATRICK S. KAWANO, CHAIR
Council of the County of Maui



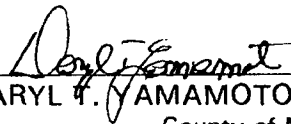
DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 1 DAY OF October, 1997.



LINDA LINGLE, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 2590 of the County of Maui, State of Hawaii.



DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

Passed First Reading on September 5, 1997.
Effective date of Ordinance October 1, 1997.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2590, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

RECEIVED
1997 OCT 1 11 00 AM

County Clerk, County of Maui

K. Plan Review, Processing, and Inspection Revolving Fund

16.04B.050 Subsections 103.3.2.1 and 103.3.2.2 amended.

Section 103 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsections 103.3.2.1 and 103.3.2.2 to read as follows:

103.3.2.1 General. Construction or work for which fire department approval is required shall be subject to inspection by the chief and such construction or work shall remain accessible and exposed for inspection purposes until approved.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant or contractor or both to cause the work to remain accessible and exposed for inspection purposes. Neither the chief nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

When a plan or other specifications are required to be submitted to the chief under section 132-9, Hawaii Revised Statutes, a plan review fee shall be paid at the time of submitting plans and specifications for review. There is hereby established and created a fund to be known as the "plan review, processing, and inspection revolving fund." The fees collected are hereby deemed appropriated upon receipt and may be expended for salaries (no more than two plan reviewers), fire investigation, training, contracts, rent payments, fixtures, materials, supplies, and equipment that will facilitate plan review, public education and for payment of over-time and travel expenses for plan checking, permit processing, inspections, investigations, and public education. The plan review fee shall be as set forth in the annual budget ordinance and shall be paid prior to the issuance of any building permit. Where plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged as set forth in the annual budget.

All units in a residential development in which one hundred percent of the units qualify as residential workforce housing units, as defined in section 2.96.020 of this code, shall be exempt from the fee.

A residential workforce housing unit, as defined in section 2.96.020 of this code, shall be assessed fifty percent of the fee.

The chief may authorize the refunding of not more than fifty percent of the plan review fee paid when any applicant withdraws or cancels the application before any plan reviewing is done.

103.3.2.2 Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the chief that such work is ready for inspection. The chief is authorized to require that every request for inspection be filed not less than one working day before such inspection is desired. Such requests may be in writing or by telephone at the option of the chief.

It shall be the duty of the person requesting any required inspections to provide access to and means for proper inspection of such work. All inspections shall take place between the hours of 8:00 a.m. to 4:30 p.m. (0800 to 1630 hours), Monday through Friday, excluding holidays. A fee as set forth in the annual budget with a two-hour minimum shall be assessed for any inspection conducted outside normal business hours for the convenience of the requestee or permittee. A fee may be assessed for each reinspection when corrections or portion of work have not been made or completed during the initial inspection. The reinspection fee shall be set forth in the annual budget.

(Ord. No. 3639, § 1, 2009; Ord. 3512 § 3, 2007; Ord. 3354 § 3 (part), 2006)

Maui County, Hawaii, Code of Ordinances >> Title 3 - REVENUE AND FINANCE >> Chapter 3.88 OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND >>

Chapter 3.88 OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND

Sections:

3.88.010 Fund established.

3.88.020 Purpose.

3.88.030 Administration.

3.88.040 Acquisition of interests in real property.

3.88.050 Criteria for selection of grant proposals.

3.88.060 Review and transmittal to council.

3.88.070 Ownership, use, and long-term stewardship of property acquired by a land conservation organization.

3.88.010 Fund established.

There is established and created a fund to be known as the "open space, natural resources, cultural resources, and scenic views preservation fund."

(Ord. 3128 § 1 (part), 2003)

3.88.020 Purpose.

- A. The open space, natural resources, cultural resources, and scenic views preservation fund is established for the purpose of purchasing or otherwise acquiring lands or property entitlements for land conservation purposes in the County of Maui for the following purposes:
1. Public outdoor recreation and education;
 2. Preservation of historic or culturally important land areas;
 3. Protection of significant habitat or ecosystems, including buffer zones;
 4. Preserving forests, beaches, coastal areas and agricultural lands;
 5. Protecting watershed lands to preserve water quality;
 6. Conserving land for the purpose of reducing erosion, floods, landslides, and runoff; and
 7. Improving disabled and public access to, and enjoyment of, public land, open space, and recreational facilities.
- B. In adopting each fiscal year's budget and capital program, the council shall appropriate a minimum of one percent of the certified real property tax revenues to the open space, natural resources, cultural resources, and scenic views preservation fund. Any balance remaining in this fund at the end of the fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The appropriations to this fund shall not substitute, but shall be in addition to, those appropriations historically made.
- C. The revenues in this fund shall not be used for any purpose except those listed in subsection A of this section. No revenues in this fund shall be used for maintenance of lands acquired.

(Ord. 3155 § 1, 2004; Ord. 3128 § 1 (part), 2003)

3.88.030 Administration.

- A. The director of finance shall establish a separate account to record revenues and supplemental transfers credited to, and expenditures made from, the fund.

(Ord. 3128 § 1 (part), 2003)

3.88.040 Acquisition of interests in real property.

- A. The council may make appropriations from the open space, natural resources, cultural resources, and scenic views preservation fund to acquire interests in real property, including, but not limited to, conservation easements as defined in chapter 198, Hawaii Revised Statutes, pursuant to chapter 3.44 of this code for the purposes set forth in section 3.88.020
- B. The council may also make appropriations from the fund to provide grants to any non-profit land conservation organization that complies with section 501(c) of the Internal Revenue Code and any other requirements under federal, state, and County law regulating the conduct of charitable or nonprofit organizations; provided, that the purpose of any grant shall be for the acquisition of a specific parcel or parcels of property or property entitlements within the County for land conservation purposes as set forth in section 3.88.020
- C. A land conservation organization applying for a grant pursuant to subsection B shall provide the mayor or the mayor's designee with a grant proposal that includes the following:
1. A description of the subject property, including but not limited to a tax map key number, area, features in need of conservation, a map, and other related information;
 2. Demonstration that the subject property meets one or more of the special purposes outlined in section 3.88.020
 3. Justification for prioritization of acquisition of the subject property, including a recommendation for protection by a government agency, board, committee, or commission;
 4. A brief overview of a long-term management plan for the subject property subsequent to acquisition; and
 5. A description of efforts to obtain matching or other funds from non-county sources for the acquisition or management of the subject property.

(Ord. 3155 § 2 (part), 2004)

3.88.050 Criteria for selection of grant proposals.

Grant proposals shall be approved only upon satisfaction of the following criteria: (1) the proposal demonstrates that areas within the subject property with significant conservation, recreation, ecological, historical, cultural, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses, will be protected; (2) the proposal demonstrates that areas within the subject property with significant ecological value can be effectively managed and protected; and (3) the proposal directly advances the objectives and policies set forth in the County's community plan for the particular region the subject property is located in.

(Ord. 3155 § 2 (part), 2004)

3.88.060 Review and transmittal to council.

The mayor or the mayor's designee shall ensure that each grant proposal submitted is

complete and meets all of the criteria stated in section 3.88.050. The mayor or the mayor's designee shall request appropriate agencies to review and comment on the grant proposal. Upon receipt of the agencies' comments, the mayor or the mayor's designee shall compile the agencies' comments and determine whether the grant proposal should be approved. The mayor or the mayor's designee shall obtain, or cause to be obtained, an appraisal of the property prepared by a qualified, disinterested appraiser, which appraisal shall be dated no more than one year from the date of the grant proposal. The amount of the grant shall be reduced to reflect any acquisition costs to the County. If the mayor or the mayor's designee determines that the grant proposal should be approved, the grant proposal, the agencies' comments, the appraisal, and a proposed grant agreement shall be transmitted to the council for approval as a budget appropriation in either:

1. The annual budget; or
2. A proposed budget ordinance amendment.

(Ord. No. 3723, § 1, 2009; Ord. 3155 § 2 (part), 2004)

3.88.070 Ownership, use, and long-term stewardship of property acquired by a land conservation organization.

- A. The grant agreement to the land conservation organization shall contain, among other things, provisions in substantially the following form:
1. "Title to or other interest in the subject property acquired by grantee with funds wholly or partially provided under chapter 3.88, Maui County Code, shall be held in perpetuity by grantee unless conveyed to the County of Maui or another qualified land conservation organization or agency approved by the County Council.";
 2. "The grantee shall submit to the mayor or the mayor's designee annual reports for the first three years documenting progress toward implementation of the long-term management plan and compliance with terms and conditions of this grant. Each report shall be incorporated into the director of finance's next quarterly report to the council. Subsequent annual reports will be provided to the County as specified in the perpetual conservation easement.";
 3. "In the event that the grantee dissolves, title to or other interest in the subject property shall be conveyed to the County of Maui or to another qualified land conservation organization or agency approved by the County Council.";
 4. "Pursuant to section 3.88.070(B), Maui County Code, the grantee shall convey to the County of Maui at closing a perpetual conservation easement, if the grantee receives fee simple title to the property.";
 5. "The subject property shall not be sold, exchanged, divested, or converted to other uses that are inconsistent with the purposes as set forth in the conservation easement without the prior approval of the County Council by resolution."; and
 6. "The grantee shall not mortgage, hypothecate, or pledge the subject property or any portion thereof without the prior approval of the County Council by resolution."
- B. If the land conservation organization receives fee simple title to the property, the land conservation organization shall convey to the County, at closing, a perpetual conservation easement, subject to council approval pursuant to chapter 3.44 of this code, as amended. The easement shall contain, among other things, restrictive covenants in substantially the following form:
1. "This property has been acquired by (insert grantee's name here) with funds from the Maui County open space, natural resources, cultural resources, and scenic views preservation fund. Upon dissolution of (insert grantee's name here), title to or interest

in this property shall be conveyed to the County of Maui or to another qualified land conservation organization or agency approved by the Maui County Council.";

2. "The general public shall be allowed reasonable access to this property, provided that access may be limited or controlled for cultural and environmental resource protection and public safety."; and
 3. "This property shall be managed for land conservation purposes only and shall not be converted to other uses except as approved by the Maui County Council at such time as the potential conversions may be contemplated."
- C. The escrow company used to complete the closing of the subject property shall provide the mayor or the mayor's designee with copies of the closing documents, including a copy of the recorded deed, within sixty days of recordation of the deed. The escrow company shall be instructed that the conservation easement shall be recorded before, or at the time of, closing.

(Ord. No. 3723, § 2, 2009; Ord. 3155 § 2 (part), 2004)

Maui County, Hawaii, Code of Ordinances >> Title 3 - REVENUE AND FINANCE >> Chapter 3.96 EMERGENCY FUND >>

M Chapter 3.96 EMERGENCY FUND

Sections:

3.96.010 Fund established.

3.96.020 Purpose.

3.96.030 Administration.

3.96.010 Fund established.

Pursuant to section 9-14, Revised Charter of the County of Maui (1983), as amended, there is hereby established and created a fund to be known as the "emergency fund."

(Ord. 3187 § 1 (part), 2004)

3.96.020 Purpose.

- A. The emergency fund is established for the purpose of funding a public emergency threatening life, health, property, or economic viability of the County.
- B. In adopting each fiscal year's budget and capital program, the council may make appropriations to the fund. Any balance remaining in this fund at the end of the fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year.
- C. The revenues in this fund shall not be used for any purpose except those listed in subsection A of this section.

(Ord. 3187 § 1 (part), 2004)

3.96.030 Administration.

- A. The director of finance shall establish a separate account to record revenues and supplemental transfers credited to, and expenditures made from, the fund.
- B. Appropriations from the fund shall be by ordinance passed upon a vote of not less than seven members of the council.

(Ord. 3187 § 1 (part), 2004)

N. 13.04.340 Ocean recreational activity fund.

There is established and created a fund to be known as the "ocean recreational activity fund." Any fees collected pursuant to this article shall be deposited in the ocean recreational activity fund, are deemed appropriated upon receipt, and may be expended for purposes relating to the implementation of this article, including, but not limited to, the provision of salaries, the purchase of equipment, and the maintenance of County property.

(Ord. 3143 § 4 (part), 2003)

Maui County, Hawaii, Code of Ordinances >> Title 3 - REVENUE AND FINANCE >> Chapter 3.35 AFFORDABLE HOUSING FUND >>

Chapter 3.35 AFFORDABLE HOUSING FUND

Sections:

- 3.35.010 Purpose.
- 3.35.020 Fund established.
- 3.35.025 Definitions.
- 3.35.030 Administration.
- 3.35.040 Use of fund.
- 3.35.050 Term of affordability.
- 3.35.060 Criteria for selection of grant or loan proposals.
- 3.35.070 Grant or loan requirements.
- 3.35.080 Affordable housing fund annual plan.
- 3.35.090 Annual report.
- 3.35.100 Project expenses.

3.35.010 Purpose.

- A. There shall be deposited into the affordable housing fund all moneys paid to the County in lieu of providing residential workforce housing units, any council appropriations to the fund, and all moneys donated to the County for affordable housing projects. The revenues and unencumbered balance in the fund shall be used for the provision, protection, and expansion of affordable housing and suitable living environments for residents of very low to gap income, including the rehabilitation of existing structures, land purchase or other acquisition of land or property entitlements, planning, design, and construction.
- B. In adopting fiscal years 2008 through 2015 annual operating budgets and capital improvement programs, the council shall appropriate a minimum of two percent of the certified real property tax revenues to the affordable housing fund. Any appropriations to this fund shall not substitute, but shall be in addition to, those appropriations historically made for the purposes stated in this chapter.
- C. The revenues and unencumbered balance in this fund shall not be used for any purpose except those defined in this chapter.
- D. On an annual basis, no more than three percent of this fund shall be used for administrative expenses.

(Ord. No. 3817, § 1, 2011; Ord. 3481 § 1, 2007; Ord. 3418 § 2, 2006)

3.35.020 Fund established.

There is established and created a fund to be known as the "Affordable Housing Fund."

(Ord. 3418 § 2, 2006)

3.35.025 Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context,

the definitions in section 2.96.020 of this code shall apply.

(Ord. 3481 § 2, 2007)

3.35.030 Administration.

- A. The director of finance shall establish a separate account to record revenues and supplemental transfers credited to, and expenditures made from, the fund.
- B. Any unencumbered balance in the fund at the end of each fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year.
- C. The director of housing and human concerns shall administer the fund.
- D. The director of housing and human concerns and the director of finance may adopt administrative rules necessary to carry out the purposes of this chapter.
- E. Revenues received from a developer to partner with a nonprofit organization or community land trust are deemed appropriated upon receipt and are authorized to be expended for the purposes of the fund.

(Ord. No. 3817, § 2, 2011; Ord. 3418 § 2, 2006)

3.35.040 Use of fund.

The council may make appropriations from the affordable housing fund for the following:

- A. To increase the supply of affordable, rental, and owner-occupied housing;
- B. To acquire interests in real property for purposes set forth in this chapter;
- C. For planning, design, or construction of affordable rental or owner-occupied housing for residents within income-qualified groups;
- D. To provide housing for elderly, disabled, and homeless residents lacking a permanent home;
- E. To provide grants or loans to any nonprofit or community land trust that complies with Section 501(c) of the Internal Revenue Code and any other requirement under federal, state, and county law regulating the conduct of charitable or nonprofit organizations, provided that the purpose of any grant or loan shall be for the purposes set forth in section 3.35.010 of this chapter;
- F. To leverage funds provided by federal, state, nonprofit, or for-profit organizations and other non-County entities to further expand affordable housing opportunities;
- G. To acquire existing housing or cooperative units for rehabilitation as affordable rental or owner-occupied housing, or both; or
- H. To increase investment in public infrastructure in connection with related affordable housing projects.

(Ord. 3481 § 3 (part), 2007)

3.35.050 Term of affordability.

- A. Ownership housing units financed by the affordable housing fund shall be subject to the restrictions of sections 2.96.060(D) through (H) of this code. Rental housing units financed by the affordable housing fund shall be subject to the restrictions of sections 2.96.070(E) through (G) of this code.
- B. The restrictions imposed by this section shall run with and bind the housing units, and the department shall record such restrictions with the bureau of conveyances or the land court of

the state.

(Ord. 3481 § 3 (part), 2007)

3.35.060 Criteria for selection of grant or loan proposals.

- A. Grant or loan proposals submitted shall include:
 - 1. A detailed description of the proposed project and an outline of the income categories the project will serve;
 - 2. A brief overview of a long-term management plan for the proposed project; and
 - 3. A description of all efforts to leverage or match funding from non-County sources for the subject project.
- B. Grant or loan proposals shall meet the following criteria for approval:
 - 1. Demonstrate that the subject project is consistent with the requirements set forth in section 3.35.010 of this chapter;
 - 2. Demonstrate that the subject project can be effectively managed and maintained as affordable and significantly contribute to the creation of affordable housing units; and
 - 3. Demonstrate that the subject project directly advances the objective of providing affordable housing in perpetuity.

(Ord. 3481 § 3 (part), 2007)

3.35.070 Grant or loan requirements.

- A. A grant or loan agreement for distribution of funds shall contain the following conditions and restrictions:
 - 1. Title to any real property shall be held in perpetuity by grantee/borrower unless conveyed to the County, or to a qualified nonprofit or community land trust;
 - 2. The grantee/borrower shall submit annual reports to the department documenting the progress toward implementing long-term management of the affordable housing project;
 - 3. The subject project shall not be sold, exchanged, divested, or converted to other uses that are inconsistent with the purposes set forth in this chapter without the prior approval of the council by resolution;
 - 4. In the event that the grantee/borrower dissolves or is adjudicated bankrupt pursuant to any applicable federal statute, title to any real property which has been funded or improved by a grant or loan issued from the fund shall be conveyed to the County, or to a qualified nonprofit or community land trust as approved by the council; and
 - 5. The grantee/borrower shall not distribute or redistribute grant or loan funds to other third-party organizations without the prior approval of the council.
- B. Loans from the fund shall:
 - 1. Be secured by a first mortgage lien in favor of the County, or, subject to council approval, be secured by a second mortgage lien in favor of the County;
 - 2. Have a term set by the director;
 - 3. Require the borrower to execute a promissory note in favor of the County;
 - 4. Include an interest rate set at three per cent per annum; and
 - 5. Be recorded with the bureau of conveyances or the land court of the state.
- C. In the event of a loan default, or if the subject project is not serving the affordable housing needs as set forth in this chapter, the following may be required of the borrower:

1. Forfeit the land or property to the County; and
2. Full repayment of principal balance at an annual interest rate equal to two times the prime rate at the time of default.

(Ord. 3481 § 3 (part), 2007)

3.35.080 Affordable housing fund annual plan.

The department shall propose an affordable housing fund annual plan for the use of affordable housing fund revenues, and transmit the affordable housing fund annual plan to the council for its consideration, along with a budget amendment or a request that the projects in the annual plan be included in a fiscal year budget. The affordable housing fund annual plan shall include the following:

- A. A description of the projects to be funded, including grants and loans, with a completed grant or loan proposal for each project;
- B. The total proposed appropriations for the subject fiscal year;
- C. The number of housing units that will be created and residents to be served;
- D. If housing is not the immediate result from a proposed appropriation, such as land acquisition or infrastructure improvements, provide an explanation on how the appropriation will result in housing; and
- E. The total expenditure for administrative expenses, which shall be consistent with section 3.35.010(D) of this chapter.

(Ord. No. 3779, § 1, 2010; Ord. 3481 § 3 (part), 2007)

3.35.090 Annual report.

- A. The department shall prepare and submit within ninety days following the end of fiscal year 2009 and annually thereafter, an annual report to the council on the expenditures and accomplishments resulting from appropriations from the affordable housing fund. The annual report shall provide the following information:
 1. The number and types of units created or assisted;
 2. Any nondwelling unit improvements, such as land acquisition or infrastructure improvements;
 3. The geographic distribution of units or funded projects;
 4. Statistical data relative to the incomes of the households assisted;
 5. The amount of state, federal, and private funds leveraged and/or matched; and
 6. Sales or rental prices established.
- B. The report shall also include an overview of how the department has met affordable housing fund annual plan goals and objectives.

(Ord. 3481 § 3 (part), 2007)

3.35.100 Project expenses.

Funds are deemed appropriated by project and not by fiscal year.

(Ord. No. 3779, § 2, 2010; Ord. 3481 § 3 (part), 2007)

**Maui County, Hawaii, Code of Ordinances >> Title 3 - REVENUE AND FINANCE >> Chapter 3.81
ECONOMIC DEVELOPMENT REVOLVING FUND >>**

P. Chapter 3.81 ECONOMIC DEVELOPMENT REVOLVING FUND

Sections:

3.81.010 Fund establishment.

3.81.020 Purpose.

3.81.030 Administration.

3.81.040 Use of fund.

3.81.050 Term of fund.

3.81.010 Fund establishment.

There is established and created a fund known as the economic development revolving fund.

(Ord. No. 3854, § 1, 2011)

3.81.020 Purpose.

The purpose of the economic development revolving fund shall be to provide funds for economic development and economic development programs in the County of Maui. The council finds that the creation of the fund is necessary to strengthen and diversify the County's economy; to support existing County businesses; to promote job creation; to attract new business, industry, construction, and events that will foster economic development in the County; and to improve the overall economic and social well-being of the County.

(Ord. No. 3854, § 1, 2011)

3.81.030 Administration.

- A. The director of finance shall establish a separate account to record all revenues and expenses as a result of the economic development programs established in the County.
- B. There shall be deposited into the economic development revolving fund any council appropriations to the fund and all moneys donated to the County for economic development programs.
- C. Any proposed appropriation shall be submitted to the Council for approval as a budget appropriation in either the annual budget or a proposed amendment to the budget ordinance. In adopting each fiscal year's budget and capital program, the council may make appropriations to the fund.
- D. The director of finance with the coordinator for the office of economic development may adopt administrative rules necessary to carry out the purpose of this chapter. Prior to the adoption of any administrative rules, pursuant to section 91-3, Hawaii Revised Statutes, the council shall have an opportunity for review of the proposed administrative rules.

(Ord. No. 3854, § 1, 2011)

3.81.040 Use of fund.

Council appropriations from the economic development revolving fund shall be for the public purposes set forth in section 3.81.020. Such appropriations may include authorizing grants or loans to any nonprofit or for-profit organization; leveraging funds provided by federal, state, nonprofit, or for-profit organizations and other non-County entities to expand economic development program opportunities in the County; and other economic development initiatives.

(Ord. No. 3854, § 1, 2011)

3.81.050 Term of fund.

The ordinance codified in this chapter shall automatically expire on June 30, 2016, unless reenacted by the council as provided by law.

(Ord. No. 3854, § 1, 2011)

**Maui County, Hawaii, Code of Ordinances >> Title 3 - REVENUE AND FINANCE >> Chapter 3.37
KAUNOA SENIOR SERVICES LEISURE PROGRAM ACTIVITIES REVOLVING FUND >>**

Chapter 3.37 KAUNOA SENIOR SERVICES LEISURE PROGRAM ACTIVITIES REVOLVING FUND

Sections:

3.37.010 Purpose.

3.37.020 Fund established.

3.37.030 Administration.

3.37.040 Computation of fees.

3.37.010 Purpose.

The Kaunoa Senior Services Leisure Program Activities Revolving Fund will enable Kaunoa Senior Services to collect fees from participants to help recover the costs for certain special events, activities, and excursions.

(Ord. No. 3763, § 1, 2010)

3.37.020 Fund established.

There is hereby established and created a fund to be known as the "Kaunoa Senior Services Leisure Program Activities Revolving Fund." Fees collected from Kaunoa Senior Services Leisure Program activities shall be deposited in the fund.

(Ord. No. 3763, § 1, 2010)

3.37.030 Administration.

- A. The director of finance shall establish a separate account to record all revenue credited to, and expenditures made from, the revolving fund.
- B. Fees collected from Kaunoa Senior Services Leisure Program activities are hereby deemed appropriated upon receipt and are authorized to be expended for the payment of costs associated with Kaunoa Senior Services Leisure Program activities. The fund shall not be used to pay for employee salaries.

(Ord. No. 3763, § 1, 2010)

3.37.040 Computation of fees.

All Kaunoa Senior Services Leisure Program activity fees shall be based on costs associated with activities, including instructor and performance fees, admission for performances and events, supplies, and meals.

(Ord. No. 3763, § 1, 2010)

Maui County, Hawaii, Code of Ordinances >> Title 3 - REVENUE AND FINANCE >> Chapter 3.97 POST-EMPLOYMENT OBLIGATIONS FUND >>

Chapter 3.97 POST-EMPLOYMENT OBLIGATIONS FUND

Sections:

3.97.010 Fund established.

3.97.020 Purpose.

3.97.030 Administration.

3.97.010 Fund established.

- A. There is established and created a fund to be known as the "Post Employment Obligations Fund."

(Ord. 3451 § 1 (part), 2007)

3.97.020 Purpose.

- A. The post-employment obligations fund is established for the purpose of funding the County's financial liabilities for post-employment benefits accrued under the Employees' Retirement System of the State of Hawaii, section 88-22, Hawaii Revised Statutes, and the Hawaii Employer-Union Health Benefits Trust Fund, chapter 87A, Hawaii Revised Statutes.
- B. In adopting each fiscal year's budget and capital program, the council may make appropriations to the fund.
- C. Appropriations to this fund shall be in excess of those appropriated for annual contributions to either the Employees' Retirement System of the State of Hawaii or the Hawaii Employer-Union Health Benefits Trust Fund for the County's annual obligations, as required under chapters 88 and 87A, Hawaii Revised Statutes, respectively.
- D. Any interest earned or accrued from funds in the post-employment obligations fund shall be deposited in, and constitute part of the balance of, the fund. The director of finance shall annually determine the amount of interest that has accrued to the fund.

(Ord. 3451 § 1 (part), 2007)

3.97.030 Administration.

- A. The director of finance shall establish a separate account to record revenues and supplemental transfers credited to, and expenditures made from, the fund.
- B. Appropriations from the fund shall be by ordinance.

(Ord. 3451 § 1 (part), 2007)