

## REQUEST FOR LEGAL SERVICES

Date: July 5, 2016

From: Elle Cochran, Chair

Infrastructure and Environmental Management Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Michael Hopper, Esq.

**RECEIVED**

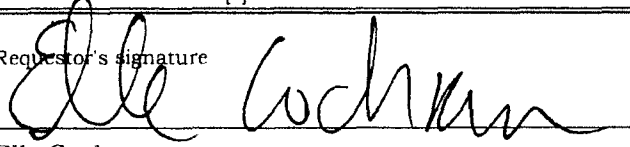
By Corporation Counsel at 8:32 am, Jul 06, 2016

Subject: **ELIMINATING BUILDING CODE EXEMPTION FOR CONSERVATION DISTRICT AND HAWAIIAN HOME LANDS** (IEM-9)

Background Data: Attached proposed bill has been revised to leave references in Subsection 16.26B.101.2, Maui County Code, to lands designated as Hawaiian Home Lands intact.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature  Elle Cochran	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: <u>7134</u> )
--	---

☐ 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): July 8, 2016, if feasible

REASON: The Committee will meet on this matter on July 11, 2016.

### FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>RMT</u>	ASSIGNMENT NO. <u>2014-3081</u>	BY: <u>LHV</u>
-------------------------	---------------------------------	----------------

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

07/07/2016

By

MICHAEL J. HOPPER

(Rev. 7/03)

iem:ltr:009acc01:ske

Attachment

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2016)

A BILL FOR AN ORDINANCE AMENDING SECTION 16.26B.101, MAUI  
COUNTY CODE, TO ELIMINATE THE EXEMPTION IN THE BUILDING CODE  
OF THE COUNTY OF MAUI RELATING TO LANDS  
WITHIN THE CONSERVATION DISTRICT

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

SECTION 1. Section 16.26B.101, Maui County Code is hereby amended  
by amending subsection 16.26B.101.2 to read as follows:

**“101.2 Scope.** This code shall apply to the construction, alteration, movement, enlargement, replacement, repair, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures within the County, except those lands within the County that are [designated by the State Land Use Commission to be within the conservation district boundaries or] designated as Hawaiian Home Lands.

**Exceptions:**

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall be permitted to comply with [Chapter] chapter 16.08A, Maui County Code, as amended.

2. Existing State-owned buildings undergoing repair, alterations or additions and change in occupancy shall be permitted to comply with the International Existing Building Code, provided the extent of work does not exceed [50%] fifty percent of the appraised value of the building.

3. Work in a [county] County or [state] State public way and public utility towers and poles.

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.”

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 underscoring.

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

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read 'MICHAEL J. HOPPER', written over a horizontal line.

MICHAEL J. HOPPER  
Deputy Corporation Counsel  
2014-3081  
IEM-9 2016-07-06 Ordinance