

# REQUEST FOR LEGAL SERVICES

**RECEIVED**

By Corporation Counsel at 3:06 pm, Sep 06, 2016

**Date:** September 6, 2016  
**From:** Elle Cochran, Chair

**Infrastructure and Environmental Management Committee**


**TRANSMITTAL**

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
**Attention:** Richelle Thomson, Esq.

**Subject:** AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO PARKING PROHIBITIONS ON PILI STREET, WAILUKU, MAUI, HAWAII, AND NAHONO PLACE, LAHAINA, MAUI, HAWAII (IEM-69, IEM-71)

**Background Data:** Attached proposed bill has been further revised to consolidate amendments to Section 10.48.040, MCC, to include Pili Street, Wailuku, and Nahono Place, Lahaina, into one bill. Please include the revised hard copy in your response.

**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> )
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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): September 7, 2016.  
**REASON:** For posting on September 16, 2016 Council meeting agenda.

**FOR CORPORATION COUNSEL'S RESPONSE**

ASSIGNED TO: <u>RMT</u>	ASSIGNMENT NO. <u>2014-3081</u>	BY: <u>LUV</u>
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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** 9-7-2016

**By** MICHAEL J. HOPPER

(Rev. 7/03)

iem:ltr:069and071acc02:ske

Attachment

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

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

A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040,  
MAUI COUNTY CODE, RELATING TO PARKING PROHIBITIONS ON  
PILI STREET, WAILUKU, MAUI, HAWAII, AND NAHONO PLACE, LAHAINA,  
MAUI, HAWAII

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

SECTION 1. Section 10.48.040, Maui County Code, is amended to read  
as follows:

**“10.48.040 Parking prohibited on certain streets and highways.** No operator of any motor vehicle shall park the same or permit such vehicle to be parked on the following portions of the public streets and highways of the County:

A. Wailuku [District.] district.

[1. On both sides of Pili Street in Wailuku, between Market Street and Church Street;

2.] 1. On the south side of Wells Street [in Wailuku], between the corner of Wells Street and High [Streets] Street and the concrete sidewalk running from Wells Street to the front entrance of the [Court House;] court house.

[3.] 2. On the north side of Vineyard Street from a point eighty-six and one-half feet west of North Church Street to North High Street[;].

[4.] 3. On the north side of Vineyard Street, between Central Avenue and Market Street [in Wailuku;].

[5.] 4. On the east side of South Market Street, between Wells Street and Pakahi Street[;].

[6.] 5. On both sides of West Main Street from thirty feet west of and sixty feet east of the culvert located one hundred fifty yards east of the intersection of West Main Street and Ilima Street[;].

[7.] 6. On the east side of North Market Street from Kapoai Place to the driveway leading to Liko Place[;].

[8.] 7. On both sides of Kinipopo Street[;].

[9.] 8. On the north side of Wells Street [in Wailuku] from the intersection of High Street and Wells Street to Kinipopo Street[;].

[10.] 9. On the west side of Central Avenue from

East Main Street and Kaahumanu Avenue [from East Main and Kaahumanu Avenue] to a point opposite Maluhia Drive[;].

[11.] 10. On the east side of North High Street from West Main Street to Vineyard Street[;].

[12.] 11. On both sides of the paved portion of Kinipopo Street[;].

[13.] 12. On the south side of Aupuni Street from South High Street to Awapuhi [Street;] Place.

[14.] 13. On the north side of Lower Main Street from the intersection of Mill Street to Kaniela Street[;].

[15.] 14. On the west side of Kinipopo Street [in Wailuku] from the intersection of Wells Street to the intersection of Oihana Street[;].

[16.] 15. On the south side of West Main Street [in Wailuku] from the intersection of Ilina Street to five hundred feet west of the intersection of High Street[;].

[17.] 16. On the south side of Mokuhaui [Place in Wailuku] Road from the end of the road at the turnaround area for a distance of [.3] three-tenths of a mile east of the point[;].

[18.] 17. On the west side of North Church Street [in Wailuku] from [Waikane] Waikahe Place to the intersection of Vineyard Street[;].

[19.] 18. On the west side of Hinano Street [in Wailuku] from the intersection of Olu Drive to the intersection of Vineyard Street[;].

[20.] 19. On the west side of North Market Street [in Wailuku], starting from a point one hundred feet north of Kahawai Street for a distance of one hundred seventy feet north from that point[;].

[21.] 20. On the west side of Central Avenue from the intersection of Mill Street to East Main Street[;].

[22.] 21. On the south side of Mill Street, between [Poles No.] pole numbers 6 and 7 of Maui Electric [Co., Ltd.;] Company.

[23.] 22. On the south side of Pakahi Street [in Wailuku] from South Church Street to South Market Street[;].

[24.] 23. On the south side of Palua Street [in Wailuku] from South Church Street to South Market Street[;].

[25.] 24. On the south side of Kaohu Street [in Wailuku] from High Street for a distance of ninety-six feet[;].

[26.] 25. On the east side of Kalawi [Street] Place, beginning one hundred twenty-eight feet south from the intersection of Kaohu Street for a distance of eighty feet around a sharp curve[;].

[27.] 26. On the makai side of Koeli Street [in

Wailuku], beginning thirty feet from the intersection with Malako Street for a distance of three hundred seventy-three feet; provided, that such prohibited parking shall be applicable only on school days, between the hours of 7:00 a.m. and 8:00 a.m., and between 1:30 p.m. and 2:30 p.m.[:].

[28.] 27. On the north side of Kaohu Street from its intersection with Kalawi Place and South Market Street to the Kalana O Maui parking lot[:].

[29.] 28. On the south side of Kaohu Street from Kalawi Place to Kiele Street on school days only, between the hours of 7:00 a.m. and 8:00 a.m., and between the hours of 2:00 p.m. and 3:00 p.m., except on Wednesdays when such hours shall be between 7:00 a.m. and 8:00 a.m., and between 1:00 p.m. and 2:00 p.m.[:].

[30.] 29. On the [mauka (west)] west side of Kalua Road from [the prolongation of] Kaohu Street to a point eighty-five feet south of the intersection[:].

[31.] 30. On the west side of Mission Street[,], for a distance of ninety-one feet [in the southerly direction] south from the intersection of Mission Street and Mill Street[:].

[32.] 31. On both sides of Lono Avenue from its intersection with Kaahumanu Avenue to its intersection with Kamehameha Avenue[:].

[33.] 32. On the west side of Puunene Avenue, beginning at the junction of Puunene Avenue and Mokulele Highway and extending to a point approximately one hundred forty feet south of the intersection[:].

[34.] 33. On the west side of Awapuhi Place [in Wailuku;].

[35.] 34. On both sides of Ainahou Place[:].

[36.] 35. On the south side of Wells Street, within twenty feet on either side of the driveway to Wells Park tennis court parking lot[:].

[37.] 36. On the south side of Wells Street, within seventy feet from the west edge of South Market Street[:].

[38.] 37. On both sides of South Market Street, between Wells Street and Pakahi Street[:].

[39.] 38. On the north side of Main Street [in Wailuku], beginning at Puahau [Lane] Place and extending west for a distance of eighty feet[:].

[40.] 39. On the north side of Main Street [in Wailuku], beginning at Puahau [Lane] Place and extending east for a distance of eighty feet[:].

[41.] 40. On both sides of Kaikoo Street, beginning at its intersection with Waichu Beach Road and extending for a distance of one hundred ten feet[:].

[42.] 41. On both sides of North Street, between Central Avenue and Hinano Street[;].

[43.] 42. On the east side of Lunalilo Street, beginning at its intersection with Kaahumanu Avenue to a distance of one hundred feet north of the northern property line of the parcel of land identified [by] for real property tax purposes as tax map key number (2) 3-8-007:057[;].

[44.] 43. On both sides of Onaona Street[;].

[45.] 44. On both sides of Wailani Street, between East Vineyard Street and Nani Street[;].

[46.] 45. On the south side of Kahawai Street, between Market Street and Makua Street, as prohibited by signs.

B. Lahaina [District.] district.

1. On the east side of Front Street, between Dickenson Street and Prison [Road at Lahaina;] Street.

2. On the south side of Lahainaluna [Street going toward Lahainaluna High School] Road, between Collins Park and the Pioneer Mill Company's Clubhouse [at Lahaina;].

3. On both sides of the entire roadway within the Lahaina Civic Center Complex from its intersection with Honoapiilani Highway[;].

4. On the west side of Luakini Street, between Lahainaluna Road and Prison Street[;].

5. On the south side of Prison Street [in Lahaina] from Luakini Street to Honoapiilani Highway[;].

6. On the east side of Front Street [in Lahaina], between Kapunakea Street and Kahoma Stream or Unahiole Circle[;].

7. On the Kaanapali side of Papelekane Street from Wharf Street to Front Street[;].

8. On both sides of Prison Street from Front Street to Luakini Street[;].

9. On both sides of Dickenson Street from Front Street to Luakini Street[;].

10. On both sides of Front Street from Wong Store to the Lahaina Broiler[;].

11. At the Kaanapali end of Wharf Street at its intersection with Papelekane Street[;].

12. On the Kaanapali side of Lahainaluna Street from [Laukini] Luakini Street to Honoapiilani Highway[;].

13. On the mauka side of Front Street [in Lahaina], between Wahie Lane and Papalaua Street[;].

14. On both sides of Wahie Lane [in Lahaina;].

15. On the makai side of Front Street for a distance of one hundred twenty-one feet south of the north property

line of Whaler's Market Place, between the hours of 9:00 a.m. and 9:00 p.m.[:]

16. On the makai side of Front Street for a distance of one hundred seventeen feet north of the south property line of Whaler's Market Place, between the hours of 9:00 a.m. and 9:00 p.m. each day; provided, that any bus certified by the public utilities commission of the State shall be permitted to stop, stand, or park in the loading and unloading zone for the purpose of loading and unloading passengers, and then only for a period not to exceed fifteen minutes[:].

17. On the west side of Wainee Street from the intersection of its centerline of Dickenson Street to a point two hundred sixty feet north of the intersection, between the hours of 7:00 a.m. and 2:30 p.m., Monday through Friday, except public holidays[:].

18. On both sides of [Laukini] Luakini Street, between Hale Street and Dickenson Street[:].

19. On the south side of Lahainaluna Road, between Wainee Street and Honoapiilani Highway[:].

20. Along the west side of Front Street from a point one hundred feet north of the four-foot wide pedestrian access easement located upon the parcel of land identified [by] for real property tax purposes as tax map key number (2) 4-6-002:002, to a point one hundred feet south of the easement[:].

21. On the Kaanapali side of Aholo Street[:].

22. On the Kaanapali side of [Wiliko] Wili Ko Place[:].

23. On both sides of Hinau Street, between Honoapiilani Highway and Limahana Place[:].

24. On the Kaanapali side of Dickenson Street from Honoapiilani Highway to Wainee Street[:].

25. On the mauka side of Wainee Street from Lahainaluna Road to Dickenson Street[:].

26. On the makai side of Wainee Street from Waianae Place to Prison Street[:].

27. On the makai side of Lower Honoapiilani Road from its intersection with Kaanapali Shores [Drive] Place to Honokowai to its intersection with Kapalua Place [in Kapalua:].

28. On both sides of Kapunakea Street, between Front Street and Honoapiilani Highway[:].

29. On the Kaanapali side of Panaewa Place[:].

30. On the Kaanapali side of Panaewa Street[:].

31. On the south side of Puukolii Road, beginning at Kalapu Drive through the end of Puukolii Road[:].

32. On both sides of Kumukahi Street, between Kuialua Street and Niheu Street, applicable only on school

days, between the hours of 7:00 a.m. and 8:00 a.m., and between 1:00 p.m. and 2:30 p.m.[:]

33. On both sides of Akahale Street, between Honoapiilani Highway and Mahinahina Street[:].

34. On both sides of Front Street from Honoapiilani Highway, north toward Shaw Street, as prohibited by signs.

35. On the south side of Nahono Place, from Lower Honoapiilani Road, as prohibited by signs.

C. Makawao [District.] district.

1. On the north side of Makawao Avenue from the intersection of Makawao Avenue and Baldwin Avenue to a point one hundred fifty feet west of the intersection [at Makawao:].

2. On the west side of Baldwin Avenue, Paia, from the entrance to the old Paia Mill warehouse for a distance of two hundred feet in the direction of Makawao[:].

3. On the mauka side of Hana Highway in Pauwela, between Haiku School Road and West Kuiaha Road[:].

4. On the south side of Makawao [in Makawao] from the intersection of Makawao Avenue and Baldwin Avenue to a point seventy feet west of the intersection applicable only on school days from 7:00 a.m. to 8:30 a.m., and from 2:00 p.m. to 3:30 p.m.[:]

5. On the north side of Haliimaile Road for a distance of approximately thirty feet from the Haleakala Junction[:].

6. On both sides of Kilakila Place in Pukalani, within three hundred feet of its intersection with Haleakala Highway[:].

7. On both sides of Kokomo Road, between Haiku Road and Lowrie Ditch[:].

8. On both sides of Ulumau Place.

D. Lanai [District.] district.

1. On the west side of Lanai Avenue, between Sixth Street and Seventh [Streets:] Street.

2. On both sides of Seventh Street, between Koele Street and Lanai Avenue[:].

3. On both sides of Sixth Street, between Lanai Avenue and [Frazer] Fraser Avenue; provided, that such prohibition shall be only during school days during the hours of 7:00 a.m. and 3:30 p.m.

E. Hana [District.] district. On Keawa Place [in Hana] fronting Helene Hall, for a distance of one hundred forty-six feet.

F. Molokai [District.] district.

1. On both sides of Ailoa Street in Kaunakakai[,

Molokai,] for a distance of fifty feet on both sides of the crosswalk fronting Kaunakakai Elementary School [cafetorium,] cafeteria; provided, that such prohibition shall be only during school days during the hours of 7:00 a.m. to 3:30 p.m.[:]


2. On both sides of Alohi Street from its intersection with Kamo'i Street for a distance of two hundred feet to the east.

G. Kihei [District.] district. [1.] On both sides of Lipoa Street, between Piilani Highway and South Kihei Road."

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 shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
MICHAEL J. HOPPER

Department of the Corporation Counsel  
County of Maui

iem:misc:069and071abill02:ske