

MICHAEL P. VICTORINO  
Mayor

ROWENA M. DAGDAG-ANDAYA  
Director

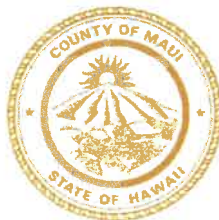
Deputy Director

GLEN A. UENO, P.E., L.S.  
Development Services Administration

RODRIGO "CHICO" RABARA, P.E.  
Engineering Division

JOHN R. SMITH, P.E.  
Highways Division

Telephone: (808) 270-7845  
Fax: (808) 270-7955



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OFFICE OF THE MAYOR

COUNTY OF MAUI  
**DEPARTMENT OF PUBLIC WORKS**  
200 SOUTH HIGH STREET, ROOM 434  
WAILUKU, MAUI, HAWAII 96793

October 1, 2019

Honorable Michael P. Victorino  
Mayor, County of Maui  
200 South High Street  
Wailuku, Maui, Hawaii 96793

For Transmittal to:

Honorable Tamara Paltin, Chair  
Planning and Sustainable Land Use Committee  
Maui County Council  
200 South High Street  
Wailuku, Maui, Hawaii 96793

Dear Chair Paltin:

APPROVED FOR TRANSMITTAL

*Michael P Victorino* 10/2/19  
Mayor Date

**SUBJECT: CIVIL FINES FOR UNPERMITTED TRANSIENT ACCOMMODATIONS  
AND SERVICE METHODS FOR GENERAL ADMINISTRATIVE  
ENFORCEMENT (PSLU-38)**

Thank you for your letter dated September 11, 2019 regarding the above subject matter and for the opportunity to review and comment on the proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 19.530.030, MAUI COUNTY CODE, RELATING TO CIVIL FINES FOR UNPERMITTED TRANSIENT ACCOMMODATIONS AND SERVICE METHODS FOR GENERAL ADMINISTRATIVE ENFORCEMENT".

The Department of Public Works is in support of the proposed amendment to allow for posting of notices on the property where the violation is occurring or has occurred.

Should you have any additional questions, please feel free to call me at Ext. 7845.

Sincerely,

*Rowena M. Dagdag-Andaya*  
ROWENA M. DAGDAG-ANDAYA  
Director of Public Works

RMDA:jso  
Attachments  
s:\rowena\transmittals\tpaltin\_civil fines pslu\_38 10.01.19

Council Chair  
Kelly T. King

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
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Director of Council Services  
Traci N. T. Fujita, Esq.

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COUNTY COUNCIL

COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

September 11, 2019

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DEPT. OF  
PUBLIC  
WORKS

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DEPUTY DIR.  
FISCAL ANALYST  
PERSONNEL  
DSA  
ENGR.  
HWY.  
SECTY.

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9/13

Ms. Rowena Dagdag-Andaya, Director  
Department of Public Works  
County of Maui  
Wailuku, Hawaii 96793

Dear Ms. Dagdag-Andaya:

SUBJECT: **CIVIL FINES FOR UNPERMITTED TRANSIENT  
ACCOMMODATIONS AND SERVICE METHODS  
FOR GENERAL ADMINISTRATIVE  
ENFORCEMENT** (PSLU-38)

At its meeting of September 4, 2019, the Planning and Sustainable Land Use Committee recommended the Council pass on first reading a proposed bill amending Section 19.530.030, Maui County Code, relating to civil fines for unpermitted transient accommodations and service methods for general administrative enforcement. The proposed bill is attached for your information.

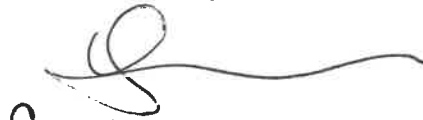
May I please request you review the proposed bill and provide any comments you may have on it.


May I further request your response by **Wednesday, September 18, 2019**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Ms. Rowena Dagdag-Andaya  
September 11, 2019  
Page 2

Should you have any questions, please contact me or the Committee staff (James Krueger at ext. 7761, or Clarita Balala at ext. 7668).

Sincerely,

A handwritten signature in dark ink, appearing to be 'T. Paltin', with a long, sweeping horizontal line extending to the right.

 TAMARA PALTIN, Chair  
Planning and Sustainable Land  
Use Committee

pslu:ltr:038apw01:jgk

Attachment

cc: Mayor Michael P. Victorino

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

BILL NO. \_\_\_\_\_ (2019)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.530.030,  
MAUI COUNTY CODE, RELATING TO CIVIL FINES FOR UNPERMITTED  
TRANSIENT ACCOMMODATIONS AND SERVICE METHODS FOR GENERAL  
ADMINISTRATIVE ENFORCEMENT

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

SECTION 1. The purpose of this ordinance is to implement the 2018 Charter amendment relating to civil fines for unpermitted transient accommodations and to allow additional service methods for general administrative enforcement when service by mail or personal delivery fails.

SECTION 2. Section 19.530.030, Maui County Code, is amended to read as follows:

**“19.530.030 Administrative enforcement.** In lieu of, or in addition to, enforcement by criminal prosecution, if the director of public works, the director of environmental management, the director of water supply, or the planning director determines that any ~~[persons are]~~ person is violating or has violated any provision of titles 8, 12, 14, 16, 18, 19, and 20 of this code, any rules adopted thereunder, or any permit issued thereto, the director ~~[may]~~ with jurisdiction over the relevant ordinance, rule, or permit, shall have the person served[,] by mail with proof of mailing or personal delivery, with a notice of violation and order pursuant to this chapter and such administrative rules as the director may adopt. If service by mail or personal delivery fails, the director shall provide service by posting the notice of violation and order in a conspicuous place on the property where the violation is occurring or occurred, or at the last known address of the violator, or by publishing a notice at least once per week for two consecutive weeks in a newspaper of general circulation in Maui County.

A. Contents of the notice of violation. The notice shall include at least the following information:

1. Date of the notice [;].
2. The name and address of the person noticed [;].
3. The section number of the provision or rule, or the number of the permit [which] that has been violated [;].
4. The nature of the violation [; and].
5. The location and [time] date of the violation.

B. Contents of the order.

1. The order [may] shall require the person to do [any or all] one or more of the following:

- a. Cease and desist from the violation [;].
- b. Correct the violation at the person's own expense before a date specified in the order [;].
- c. Pay a civil fine not to exceed \$1,000.00 in the manner, at the place, and before the date specified in the order [;], except that the initial civil fine shall not exceed \$20,000 for the operation of a bed and breakfast home, short-term rental home, transient vacation rental, or other transient accommodation, without a permit that is required for the operation, unless a higher fine is authorized by State law.
- d. Pay a civil fine not to exceed \$1,000.00 per day for each day in which the violation persists, in the manner and at the time and place specified in the order[; and], except that the daily civil fine shall not exceed \$10,000 for the operation of a bed and breakfast home, short-term rental home, transient vacation rental, or other transient accommodation, without a permit that is required for the operation, unless a higher fine is authorized by State law.
- e. Pay a civil fine not to exceed one percent of the project cost as provided in [Section] section 20.08.260.E.2 of this code.

2. The order shall advise the person that the order shall become final unless an appeal is filed with the board of variances and appeals within thirty days after the date of its mailing or delivery. [The order shall also advise that the director's action may be appealed to the board of variances and appeals.]

C. Effects of order; right to appeal. The provisions of the order issued by the director of public works, the director of environmental management, the director of water supply, or the planning director under this section shall become final [thirty days after the date of the mailing or delivery of the order. The person may appeal the order to the board of variances and appeals as provided for in this article.] unless an appeal is filed with the board of variances and appeals within the thirty-day period. However, an

appeal to the board of variances and appeals shall not stay any provision of the order.


D. Collection of unpaid civil fines. In addition to any other procedures for the collection of civil fines available to the [County] county by law or rules of the court, the [County] county may add unpaid civil fines as herein defined to any [County] county taxes, fees or charges except for residential water or sewer charges.

E. Judicial enforcement of order. The director of public works, the director of environmental management, the director of water supply, or the planning director may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the director or agency need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been appealed in a timely manner nor paid.”

SECTION 3. 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 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND  
LEGALITY:



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MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

2019-0101  
PSLU-38 2019-09-09 Ord Amd 19.530.030