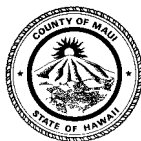


Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Riki Hokama  
Kelly Takaya King  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



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

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

September 3, 2020

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

Dear Ms. Dagdag-Andaya:

**SUBJECT: HAWAII STATE ASSOCIATION OF COUNTIES (HSAC)  
(2021 HSAC LEGISLATIVE PACKAGE) (GET-3(2))**

**MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE  
(2021 MAUI COUNTY COUNCIL LEGISLATIVE  
PACKAGE) (GET-4(2))**

At its meeting of August 25, 2020, the Governance, Ethics, and Transparency Committee considered the attached proposed resolution to approve for inclusion in the 2021 HSAC Legislative Package and 2021 Maui County Council Legislative Package, respectively, and a proposed State bill, attached to the proposed resolution as Exhibit "A," entitled "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLES."

The purpose of the proposed State bill is to amend Section 46-16.8, Hawaii Revised Statutes, to authorize each county to regulate the number of rental motor vehicles within the county.

May I please request you provide the following:

1. A summary of fiscal, traffic, and environmental impacts to County infrastructure, including roadways, from rental motor vehicles in Maui County from 2017 through 2019.
2. The Department of Public Works' comments on the proposed State bill.

Ms. Rowena Dagdag-Andaya  
September 3, 2020  
Page 2

May I further request you provide a written response **no later than September 10, 2020**. To ensure efficient processing, please include the relevant Committee item numbers in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Shelly Espeleta at ext. 7134, or Pauline Martins at ext. 8039).

Sincerely,

MICHAEL J. MOLINA, Chair  
Governance, Ethics, and Transparency  
Committee

get:ltr:003(2)and004(2)apw01:ske

Attachments

cc: Mayor Michael P. Victorino

# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2021 HAWAII  
STATE ASSOCIATION OF COUNTIES LEGISLATIVE  
PACKAGE A STATE BILL TO GIVE COUNTIES  
AUTHORITY TO ESTABLISH RENTAL-CAR LIMITS

WHEREAS, by Resolution 19-98, the Council affirmed Maui County's commitment to the Paris Climate Agreement and its goals of mitigating greenhouse-gas emissions and adapting to impacts of climate change; and

WHEREAS, reducing rental cars on the road would contribute to meeting these goals by reducing dependency on petroleum and greenhouse gas emissions generated from for ground-transportation vehicles; and

WHEREAS, the United States Environmental Protection Agency states that a typical passenger vehicle emits about 4.6 metric tons of carbon dioxide per year; and

WHEREAS, over 20,000 rental cars on Maui adversely impact the County's ability to mitigate greenhouse-gas emissions; and

WHEREAS, the United States Department of Transportation states that reducing traffic can improve the environment by reducing vehicle miles traveled, which reduces fuel consumed and emissions generated by acceleration and decelerations; and

WHEREAS, counties do not have the ability to limit rental cars under State law; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to allow counties to establish rental-car limits, is approved for inclusion in the 2021 Hawaii State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO RENTAL MOTOR VEHICLES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1.   Hawai'i is committed to mitigating emissions and  
2   creating a clean energy pathway by investing in renewable energy  
3   and energy efficiency. Utilities and transportation currently  
4   account for the majority of emissions in Hawai'i.

5       Reducing cars on the road will contribute to meeting Hawai'i's  
6   clean energy goals by reducing dependency on petroleum and  
7   greenhouse gas emissions generated from for ground transportation  
8   vehicles. However, over 20,000 rental motor vehicles on Maui  
9   adversely impact Hawai'i's intent to mitigate greenhouse gas  
10   emissions.

11       SECTION 2.   Section 46-1.5, Hawaii Revised Statutes, is  
12   amended to read as follows:

13       "Subject to general law, each county shall have the following  
14   powers and shall be subject to the following liabilities and  
15   limitations:

16       (1) Each county shall have the power to frame and adopt a  
17   charter for its own self-government that shall establish the county  
18   executive, administrative, and legislative structure and

\_\_\_\_.B. NO. \_\_\_\_\_

1 organization, including but not limited to the method of  
2 appointment or election of officials, their duties,  
3 responsibilities, and compensation, and the terms of their office;

4 (2) Each county shall have the power to provide for and  
5 regulate the marking and lighting of all buildings and other  
6 structures that may be obstructions or hazards to aerial  
7 navigation, so far as may be necessary or proper for the protection  
8 and safeguarding of life, health, and property;

9 (3) Each county shall have the power to enforce all claims on  
10 behalf of the county and approve all lawful claims against the  
11 county, but shall be prohibited from entering into, granting, or  
12 making in any manner any contract, authorization, allowance  
13 payment, or liability contrary to the provisions of any county  
14 charter or general law;

15 (4) Each county shall have the power to make contracts and to  
16 do all things necessary and proper to carry into execution all  
17 powers vested in the county or any county officer;

18 (5) Each county shall have the power to:

19 (A) Maintain channels, whether natural or artificial,  
20 including their exits to the ocean, in suitable condition to carry  
21 off storm waters;

22 (B) Remove from the channels, and from the shores and beaches,  
23 any debris that is likely to create an unsanitary condition or

\_\_\_\_.B. NO. \_\_\_\_\_

1 become a public nuisance; provided that, to the extent any of the  
2 foregoing work is a private responsibility, the responsibility may  
3 be enforced by the county in lieu of the work being done at public  
4 expense;

5 (C) Construct, acquire by gift, purchase, or by the exercise  
6 of eminent domain, reconstruct, improve, better, extend, and  
7 maintain projects or undertakings for the control of and protection  
8 against floods and flood waters, including the power to drain and  
9 rehabilitate lands already flooded;

10 (D) Enact zoning ordinances providing that lands deemed  
11 subject to seasonable, periodic, or occasional flooding shall not  
12 be used for residence or other purposes in a manner as to endanger  
13 the health or safety of the occupants thereof, as required by the  
14 Federal Flood Insurance Act of 1956 (chapter 1025, Public Law  
15 1016); and

16 (E) Establish and charge user fees to create and maintain any  
17 stormwater management system or infrastructure;

18 (6) Each county shall have the power to exercise the power of  
19 condemnation by eminent domain when it is in the public interest  
20 to do so;

21 (7) Each county shall have the power to exercise regulatory  
22 powers over business activity as are assigned to them by chapter  
23 445 or other general law;

\_\_\_\_.B. NO. \_\_\_\_\_

1           (8) Each county shall have the power to fix the fees and  
2 charges for all official services not otherwise provided for;

3           (9) Each county shall have the power to provide by ordinance  
4 assessments for the improvement or maintenance of districts within  
5 the county;

6           (10) Except as otherwise provided, no county shall have the  
7 power to give or loan credit to, or in aid of, any person or  
8 corporation, directly or indirectly, except for a public purpose;

9           (11) Where not within the jurisdiction of the public utilities  
10 commission, each county shall have the power to regulate by  
11 ordinance the operation of motor vehicle common carriers  
12 transporting passengers and the number of rental motor vehicles  
13 within the county and adopt and amend rules the county deems  
14 necessary for the public convenience and necessity;

15           (12) Each county shall have the power to enact and enforce  
16 ordinances necessary to prevent or summarily remove public  
17 nuisances and to compel the clearing or removal of any public  
18 nuisance, refuse, and uncultivated undergrowth from streets,  
19 sidewalks, public places, and unoccupied lots. In connection with  
20 these powers, each county may impose and enforce liens upon the  
21 property for the cost to the county of removing and completing the  
22 necessary work where the property owners fail, after reasonable  
23 notice, to comply with the ordinances. The authority provided by

\_\_\_\_.B. NO. \_\_\_\_\_

1 this paragraph shall not be self-executing, but shall become fully  
2 effective within a county only upon the enactment or adoption by  
3 the county of appropriate and particular laws, ordinances, or rules  
4 defining "public nuisances" with respect to each county's  
5 respective circumstances. The counties shall provide the property  
6 owner with the opportunity to contest the summary action and to  
7 recover the owner's property;

8 (13) Each county shall have the power to enact ordinances  
9 deemed necessary to protect health, life, and property, and to  
10 preserve the order and security of the county and its inhabitants  
11 on any subject or matter not inconsistent with, or tending to  
12 defeat, the intent of any state statute where the statute does not  
13 disclose an express or implied intent that the statute shall be  
14 exclusive or uniform throughout the State;

15 (14) Each county shall have the power to:

16 (A) Make and enforce within the limits of the county all  
17 necessary ordinances covering all:

18 (i) Local police matters;

19 (ii) Matters of sanitation;

20 (iii) Matters of inspection of buildings;

21 (iv) Matters of condemnation of unsafe structures, plumbing,  
22 sewers, dairies, milk, fish, and morgues; and



\_\_\_\_.B. NO. \_\_\_\_\_

1           (v) Matters of the collection and disposition of rubbish and  
2 garbage;

3           (B) Provide exemptions for homeless facilities and any other  
4 program for the homeless authorized by part XVII of chapter 346,  
5 for all matters under this paragraph;

6           (C) Appoint county physicians and sanitary and other  
7 inspectors as necessary to carry into effect ordinances made under  
8 this paragraph, who shall have the same power as given by law to  
9 agents of the department of health, subject only to limitations  
10 placed on them by the terms and conditions of their appointments;  
11 and

12           (D) Fix a penalty for the violation of any ordinance, which  
13 penalty may be a misdemeanor, petty misdemeanor, or violation as  
14 defined by general law;

15           (15) Each county shall have the power to provide public  
16 pounds; to regulate the impounding of stray animals and fowl, and  
17 their disposition; and to provide for the appointment, powers,  
18 duties, and fees of animal control officers;

19           (16) Each county shall have the power to purchase and  
20 otherwise acquire, lease, and hold real and personal property  
21 within the defined boundaries of the county and to dispose of the  
22 real and personal property as the interests of the inhabitants of  
23 the county may require, except that:

\_\_\_\_.B. NO. \_\_\_\_\_

1           (A) Any property held for school purposes may not be disposed  
2 of without the consent of the superintendent of education;

3           (B) No property bordering the ocean shall be sold or otherwise  
4 disposed of; and

5           (C) All proceeds from the sale of park lands shall be expended  
6 only for the acquisition of property for park or recreational  
7 purposes;

8           (17) Each county shall have the power to provide by charter  
9 for the prosecution of all offenses and to prosecute for offenses  
10 against the laws of the State under the authority of the attorney  
11 general of the State;

12           (18) Each county shall have the power to make appropriations  
13 in amounts deemed appropriate from any moneys in the treasury, for  
14 the purpose of:

15           (A) Community promotion and public celebrations;

16           (B) The entertainment of distinguished persons as may from  
17 time to time visit the county;

18           (C) The entertainment of other distinguished persons, as well  
19 as, public officials when deemed to be in the best interest of the  
20 community; and

21           (D) The rendering of civic tribute to individuals who, by  
22 virtue of their accomplishments and community service, merit civic  
23 commendations, recognition, or remembrance;

\_\_\_\_.B. NO. \_\_\_\_\_

1           (19) Each county shall have the power to:

2           (A) Construct, purchase, take on lease, lease, sublease, or  
3 in any other manner acquire, manage, maintain, or dispose of  
4 buildings for county purposes, sewers, sewer systems, pumping  
5 stations, waterworks, including reservoirs, wells, pipelines, and  
6 other conduits for distributing water to the public, lighting  
7 plants, and apparatus and appliances for lighting streets and  
8 public buildings, and manage, regulate, and control the same;

9           (B) Regulate and control the location and quality of all  
10 appliances necessary to the furnishing of water, heat, light,  
11 power, telephone, and telecommunications service to the county;

12           (C) Acquire, regulate, and control any and all appliances for  
13 the sprinkling and cleaning of the streets and the public ways,  
14 and for flushing the sewers; and

15           (D) Open, close, construct, or maintain county highways or  
16 charge toll on county highways; provided that all revenues received  
17 from a toll charge shall be used for the construction or  
18 maintenance of county highways;

19           (20) Each county shall have the power to regulate the renting,  
20 subletting, and rental conditions of property for places of abode  
21 by ordinance;

\_\_\_\_.B. NO. \_\_\_\_\_

1 (21) Unless otherwise provided by law, each county shall have  
2 the power to establish by ordinance the order of succession of  
3 county officials in the event of a military or civil disaster;

4 (22) Each county shall have the power to sue and be sued in  
5 its corporate name;

6 (23) Each county shall have the power to:

7 (A) Establish and maintain waterworks and sewer works;

8 (B) Implement a sewer monitoring program that includes the  
9 inspection of sewer laterals that connect to county sewers, when  
10 those laterals are located on public or private property, after  
11 providing a property owner not less than ten calendar days' written  
12 notice, to detect leaks from laterals, infiltration, and inflow,  
13 any other law to the contrary notwithstanding;

14 (C) Compel an owner of private property upon which is located  
15 any sewer lateral that connects to a county sewer to inspect that  
16 lateral for leaks, infiltration, and inflow and to perform repairs  
17 as necessary;

18 (D) Collect rates for water supplied to consumers and for the  
19 use of sewers;

20 (E) Install water meters whenever deemed expedient; provided  
21 that owners of premises having vested water rights under existing  
22 laws appurtenant to the premises shall not be charged for the  
23 installation or use of the water meters on the premises; and

\_\_\_\_.B. NO. \_\_\_\_\_

1           (F) Take over from the State existing waterworks systems,  
2 including water rights, pipelines, and other appurtenances  
3 belonging thereto, and sewer systems, and to enlarge, develop, and  
4 improve the same; and

5           (G) For purposes of subparagraphs (B) and (C):

6           (i) "Infiltration" means groundwater, rainwater, and  
7 saltwater that enters the county sewer system through cracked,  
8 broken, or defective sewer laterals; and

9           (ii) "Inflow" means non-sewage entering the county sewer  
10 system via inappropriate or illegal connections;

11          (24) (A) Each county may impose civil fines, in addition to  
12 criminal penalties, for any violation of county ordinances or rules  
13 after reasonable notice and requests to correct or cease the  
14 violation have been made upon the violator. Any administratively  
15 imposed civil fine shall not be collected until after an  
16 opportunity for a hearing under chapter 91. Any appeal shall be  
17 filed within thirty days from the date of the final written  
18 decision. These proceedings shall not be a prerequisite for any  
19 civil fine or injunctive relief ordered by the circuit court;

20          (B) Each county by ordinance may provide for the addition of  
21 any unpaid civil fines, ordered by any court of competent  
22 jurisdiction, to any taxes, fees, or charges, with the exception  
23 of fees or charges for water for residential use and sewer charges,

\_\_\_\_.B. NO. \_\_\_\_\_

1 collected by the county. Each county by ordinance may also provide  
2 for the addition of any unpaid administratively imposed civil  
3 fines, which remain due after all judicial review rights under  
4 section 91-14 are exhausted, to any taxes, fees, or charges, with  
5 the exception of water for residential use and sewer charges,  
6 collected by the county. The ordinance shall specify the  
7 administrative procedures for the addition of the unpaid civil  
8 fines to the eligible taxes, fees, or charges and may require  
9 hearings or other proceedings. After addition of the unpaid civil  
10 fines to the taxes, fees, or charges, the unpaid civil fines shall  
11 not become a part of any taxes, fees, or charges. The county by  
12 ordinance may condition the issuance or renewal of a license,  
13 approval, or permit for which a fee or charge is assessed, except  
14 for water for residential use and sewer charges, on payment of the  
15 unpaid civil fines. Upon recordation of a notice of unpaid civil  
16 fines in the bureau of conveyances, the amount of the civil fines,  
17 including any increase in the amount of the fine which the county  
18 may assess, shall constitute a lien upon all real property or  
19 rights to real property belonging to any person liable for the  
20 unpaid civil fines. The lien in favor of the county shall be  
21 subordinate to any lien in favor of any person recorded or  
22 registered prior to the recordation of the notice of unpaid civil  
23 fines and senior to any lien recorded or registered after the

\_\_\_\_.B. NO. \_\_\_\_\_

1 recordation of the notice. The lien shall continue until the unpaid  
2 civil fines are paid in full or until a certificate of release or  
3 partial release of the lien, prepared by the county at the owner's  
4 expense, is recorded. The notice of unpaid civil fines shall state  
5 the amount of the fine as of the date of the notice and maximum  
6 permissible daily increase of the fine. The county shall not be  
7 required to include a social security number, state general excise  
8 taxpayer identification number, or federal employer identification  
9 number on the notice. Recordation of the notice in the bureau of  
10 conveyances shall be deemed, at such time, for all purposes and  
11 without any further action, to procure a lien on land registered  
12 in land court under chapter 501. After the unpaid civil fines are  
13 added to the taxes, fees, or charges as specified by county  
14 ordinance, the unpaid civil fines shall be deemed immediately due,  
15 owing, and delinquent and may be collected in any lawful manner.  
16 The procedure for collection of unpaid civil fines authorized in  
17 this paragraph shall be in addition to any other procedures for  
18 collection available to the State and county by law or rules of  
19 the courts;

20 (C) Each county may impose civil fines upon any person who  
21 places graffiti on any real or personal property owned, managed,  
22 or maintained by the county. The fine may be up to \$1,000 or may  
23 be equal to the actual cost of having the damaged property repaired

\_\_\_\_.B. NO. \_\_\_\_\_

1 or replaced. The parent or guardian having custody of a minor who  
2 places graffiti on any real or personal property owned, managed,  
3 or maintained by the county shall be jointly and severally liable  
4 with the minor for any civil fines imposed hereunder. Any such  
5 fine may be administratively imposed after an opportunity for a  
6 hearing under chapter 91, but such a proceeding shall not be a  
7 prerequisite for any civil fine ordered by any court. As used in  
8 this subparagraph, "graffiti" means any unauthorized drawing,  
9 inscription, figure, or mark of any type intentionally created by  
10 paint, ink, chalk, dye, or similar substances;

11 (D) At the completion of an appeal in which the county's  
12 enforcement action is affirmed and upon correction of the violation  
13 if requested by the violator, the case shall be reviewed by the  
14 county agency that imposed the civil fines to determine the  
15 appropriateness of the amount of the civil fines that accrued while  
16 the appeal proceedings were pending. In its review of the amount  
17 of the accrued fines, the county agency may consider:

18 (i) The nature and egregiousness of the violation;

19 (ii) The duration of the violation;

20 (iii) The number of recurring and other similar violations;

21 (iv) Any effort taken by the violator to correct the  
22 violation;



\_\_\_\_.B. NO. \_\_\_\_\_

1 (v) The degree of involvement in causing or continuing the  
2 violation;

3 (vi) Reasons for any delay in the completion of the appeal;  
4 and

5 (vii) Other extenuating circumstances.

6 The civil fine that is imposed by administrative order after  
7 this review is completed and the violation is corrected shall be  
8 subject to judicial review, notwithstanding any provisions for  
9 administrative review in county charters;

10 (E) After completion of a review of the amount of accrued  
11 civil fine by the county agency that imposed the fine, the amount  
12 of the civil fine determined appropriate, including both the  
13 initial civil fine and any accrued daily civil fine, shall  
14 immediately become due and collectible following reasonable notice  
15 to the violator. If no review of the accrued civil fine is  
16 requested, the amount of the civil fine, not to exceed the total  
17 accrual of civil fine prior to correcting the violation, shall  
18 immediately become due and collectible following reasonable notice  
19 to the violator, at the completion of all appeal proceedings; and

20 (F) If no county agency exists to conduct appeal proceedings  
21 for a particular civil fine action taken by the county, then one  
22 shall be established by ordinance before the county shall impose  
23 the civil fine;

\_\_\_\_.B. NO. \_\_\_\_\_

1           (25) Any law to the contrary notwithstanding, any county  
2 mayor, by executive order, may exempt donors, provider agencies,  
3 homeless facilities, and any other program for the homeless under  
4 part XVII of chapter 346 from real property taxes, water and sewer  
5 development fees, rates collected for water supplied to consumers  
6 and for use of sewers, and any other county taxes, charges, or  
7 fees; provided that any county may enact ordinances to regulate  
8 and grant the exemptions granted by this paragraph;

9           (26) Any county may establish a captive insurance company  
10 pursuant to article 19, chapter 431; and

11           (27) Each county shall have the power to enact and enforce  
12 ordinances regulating towing operations.”

13           SECTION 3. Statutory material to be repealed is bracketed  
14 and in strikethrough. New statutory material is underscored.

15           SECTION 4. This Act shall take effect upon its approval.

16

17                                   INTRODUCED BY: \_\_\_\_\_

18

19           get:misc:003(2)amisc(rental-car limits)02:ske

# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2021 MAUI  
COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE  
BILL TO GIVE COUNTIES AUTHORITY TO  
ESTABLISH RENTAL-CAR LIMITS

WHEREAS, by Resolution 19-98, the Council affirmed Maui County's commitment to the Paris Climate Agreement and its goals of mitigating greenhouse-gas emissions and adapting to impacts of climate change; and

WHEREAS, reducing rental cars on the road would contribute to meeting these goals by reducing dependency on petroleum and greenhouse gas emissions generated from for ground-transportation vehicles; and

WHEREAS, the United States Environmental Protection Agency states that a typical passenger vehicle emits about 4.6 metric tons of carbon dioxide per year; and

WHEREAS, over 20,000 rental cars on Maui adversely impact the County's ability to mitigate greenhouse-gas emissions; and

WHEREAS, the United States Department of Transportation states that reducing traffic can improve the environment by reducing vehicle miles traveled, which reduces fuel consumed and emissions generated by acceleration and decelerations; and

WHEREAS, counties do not have the ability to limit rental cars under State law; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to allow counties to establish rental-car limits, is approved for inclusion in the 2021 Maui County Council Legislative Package; and

**Resolution No. \_\_\_\_\_**

2. That certified copies of this Resolution be transmitted to the Governor of the State of Hawaii, the President of the State Senate, the Speaker of the State House of Representatives, the County's delegation to the State Legislature, and the Mayor of the County of Maui.

get:misc:004(2)areso(rental-car limits)02:ske

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO RENTAL MOTOR VEHICLES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1.   Hawai'i is committed to mitigating emissions and  
2   creating a clean energy pathway by investing in renewable energy  
3   and energy efficiency. Utilities and transportation currently  
4   account for the majority of emissions in Hawai'i.

5       Reducing cars on the road will contribute to meeting Hawai'i's  
6   clean energy goals by reducing dependency on petroleum and  
7   greenhouse gas emissions generated from for ground transportation  
8   vehicles. However, over 20,000 rental motor vehicles on Maui  
9   adversely impact Hawai'i's intent to mitigate greenhouse gas  
10   emissions.

11       SECTION 2.   Section 46-1.5, Hawaii Revised Statutes, is  
12   amended to read as follows:

13       "Subject to general law, each county shall have the following  
14   powers and shall be subject to the following liabilities and  
15   limitations:

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17   charter for its own self-government that shall establish the county  
18   executive, administrative, and legislative structure and

\_\_\_\_.B. NO. \_\_\_\_\_

1 organization, including but not limited to the method of  
2 appointment or election of officials, their duties,  
3 responsibilities, and compensation, and the terms of their office;

4 (2) Each county shall have the power to provide for and  
5 regulate the marking and lighting of all buildings and other  
6 structures that may be obstructions or hazards to aerial  
7 navigation, so far as may be necessary or proper for the protection  
8 and safeguarding of life, health, and property;

9 (3) Each county shall have the power to enforce all claims on  
10 behalf of the county and approve all lawful claims against the  
11 county, but shall be prohibited from entering into, granting, or  
12 making in any manner any contract, authorization, allowance  
13 payment, or liability contrary to the provisions of any county  
14 charter or general law;

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16 do all things necessary and proper to carry into execution all  
17 powers vested in the county or any county officer;

18 (5) Each county shall have the power to:

19 (A) Maintain channels, whether natural or artificial,  
20 including their exits to the ocean, in suitable condition to carry  
21 off storm waters;

22 (B) Remove from the channels, and from the shores and beaches,  
23 any debris that is likely to create an unsanitary condition or

\_\_\_\_.B. NO. \_\_\_\_\_

1 become a public nuisance; provided that, to the extent any of the  
2 foregoing work is a private responsibility, the responsibility may  
3 be enforced by the county in lieu of the work being done at public  
4 expense;

5 (C) Construct, acquire by gift, purchase, or by the exercise  
6 of eminent domain, reconstruct, improve, better, extend, and  
7 maintain projects or undertakings for the control of and protection  
8 against floods and flood waters, including the power to drain and  
9 rehabilitate lands already flooded;

10 (D) Enact zoning ordinances providing that lands deemed  
11 subject to seasonable, periodic, or occasional flooding shall not  
12 be used for residence or other purposes in a manner as to endanger  
13 the health or safety of the occupants thereof, as required by the  
14 Federal Flood Insurance Act of 1956 (chapter 1025, Public Law  
15 1016); and

16 (E) Establish and charge user fees to create and maintain any  
17 stormwater management system or infrastructure;

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19 condemnation by eminent domain when it is in the public interest  
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\_\_\_\_.B. NO. \_\_\_\_\_

1           (8) Each county shall have the power to fix the fees and  
2 charges for all official services not otherwise provided for;

3           (9) Each county shall have the power to provide by ordinance  
4 assessments for the improvement or maintenance of districts within  
5 the county;

6           (10) Except as otherwise provided, no county shall have the  
7 power to give or loan credit to, or in aid of, any person or  
8 corporation, directly or indirectly, except for a public purpose;

9           (11) Where not within the jurisdiction of the public utilities  
10 commission, each county shall have the power to regulate by  
11 ordinance the operation of motor vehicle common carriers  
12 transporting passengers and the number of rental motor vehicles  
13 within the county and adopt and amend rules the county deems  
14 necessary for the public convenience and necessity;

15           (12) Each county shall have the power to enact and enforce  
16 ordinances necessary to prevent or summarily remove public  
17 nuisances and to compel the clearing or removal of any public  
18 nuisance, refuse, and uncultivated undergrowth from streets,  
19 sidewalks, public places, and unoccupied lots. In connection with  
20 these powers, each county may impose and enforce liens upon the  
21 property for the cost to the county of removing and completing the  
22 necessary work where the property owners fail, after reasonable  
23 notice, to comply with the ordinances. The authority provided by



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1 this paragraph shall not be self-executing, but shall become fully  
2 effective within a county only upon the enactment or adoption by  
3 the county of appropriate and particular laws, ordinances, or rules  
4 defining "public nuisances" with respect to each county's  
5 respective circumstances. The counties shall provide the property  
6 owner with the opportunity to contest the summary action and to  
7 recover the owner's property;

8 (13) Each county shall have the power to enact ordinances  
9 deemed necessary to protect health, life, and property, and to  
10 preserve the order and security of the county and its inhabitants  
11 on any subject or matter not inconsistent with, or tending to  
12 defeat, the intent of any state statute where the statute does not  
13 disclose an express or implied intent that the statute shall be  
14 exclusive or uniform throughout the State;

15 (14) Each county shall have the power to:

16 (A) Make and enforce within the limits of the county all  
17 necessary ordinances covering all:

18 (i) Local police matters;

19 (ii) Matters of sanitation;

20 (iii) Matters of inspection of buildings;

21 (iv) Matters of condemnation of unsafe structures, plumbing,  
22 sewers, dairies, milk, fish, and morgues; and

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1           (v) Matters of the collection and disposition of rubbish and  
2 garbage;

3           (B) Provide exemptions for homeless facilities and any other  
4 program for the homeless authorized by part XVII of chapter 346,  
5 for all matters under this paragraph;

6           (C) Appoint county physicians and sanitary and other  
7 inspectors as necessary to carry into effect ordinances made under  
8 this paragraph, who shall have the same power as given by law to  
9 agents of the department of health, subject only to limitations  
10 placed on them by the terms and conditions of their appointments;  
11 and

12           (D) Fix a penalty for the violation of any ordinance, which  
13 penalty may be a misdemeanor, petty misdemeanor, or violation as  
14 defined by general law;

15           (15) Each county shall have the power to provide public  
16 pounds; to regulate the impounding of stray animals and fowl, and  
17 their disposition; and to provide for the appointment, powers,  
18 duties, and fees of animal control officers;

19           (16) Each county shall have the power to purchase and  
20 otherwise acquire, lease, and hold real and personal property  
21 within the defined boundaries of the county and to dispose of the  
22 real and personal property as the interests of the inhabitants of  
23 the county may require, except that:

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1           (A) Any property held for school purposes may not be disposed  
2 of without the consent of the superintendent of education;

3           (B) No property bordering the ocean shall be sold or otherwise  
4 disposed of; and

5           (C) All proceeds from the sale of park lands shall be expended  
6 only for the acquisition of property for park or recreational  
7 purposes;

8           (17) Each county shall have the power to provide by charter  
9 for the prosecution of all offenses and to prosecute for offenses  
10 against the laws of the State under the authority of the attorney  
11 general of the State;

12           (18) Each county shall have the power to make appropriations  
13 in amounts deemed appropriate from any moneys in the treasury, for  
14 the purpose of:

15           (A) Community promotion and public celebrations;

16           (B) The entertainment of distinguished persons as may from  
17 time to time visit the county;

18           (C) The entertainment of other distinguished persons, as well  
19 as, public officials when deemed to be in the best interest of the  
20 community; and

21           (D) The rendering of civic tribute to individuals who, by  
22 virtue of their accomplishments and community service, merit civic  
23 commendations, recognition, or remembrance;

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1           (19) Each county shall have the power to:

2           (A) Construct, purchase, take on lease, lease, sublease, or  
3 in any other manner acquire, manage, maintain, or dispose of  
4 buildings for county purposes, sewers, sewer systems, pumping  
5 stations, waterworks, including reservoirs, wells, pipelines, and  
6 other conduits for distributing water to the public, lighting  
7 plants, and apparatus and appliances for lighting streets and  
8 public buildings, and manage, regulate, and control the same;

9           (B) Regulate and control the location and quality of all  
10 appliances necessary to the furnishing of water, heat, light,  
11 power, telephone, and telecommunications service to the county;

12           (C) Acquire, regulate, and control any and all appliances for  
13 the sprinkling and cleaning of the streets and the public ways,  
14 and for flushing the sewers; and

15           (D) Open, close, construct, or maintain county highways or  
16 charge toll on county highways; provided that all revenues received  
17 from a toll charge shall be used for the construction or  
18 maintenance of county highways;

19           (20) Each county shall have the power to regulate the renting,  
20 subletting, and rental conditions of property for places of abode  
21 by ordinance;

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1           (21) Unless otherwise provided by law, each county shall have  
2 the power to establish by ordinance the order of succession of  
3 county officials in the event of a military or civil disaster;

4           (22) Each county shall have the power to sue and be sued in  
5 its corporate name;

6           (23) Each county shall have the power to:

7           (A) Establish and maintain waterworks and sewer works;

8           (B) Implement a sewer monitoring program that includes the  
9 inspection of sewer laterals that connect to county sewers, when  
10 those laterals are located on public or private property, after  
11 providing a property owner not less than ten calendar days' written  
12 notice, to detect leaks from laterals, infiltration, and inflow,  
13 any other law to the contrary notwithstanding;

14           (C) Compel an owner of private property upon which is located  
15 any sewer lateral that connects to a county sewer to inspect that  
16 lateral for leaks, infiltration, and inflow and to perform repairs  
17 as necessary;

18           (D) Collect rates for water supplied to consumers and for the  
19 use of sewers;

20           (E) Install water meters whenever deemed expedient; provided  
21 that owners of premises having vested water rights under existing  
22 laws appurtenant to the premises shall not be charged for the  
23 installation or use of the water meters on the premises; and

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1           (F) Take over from the State existing waterworks systems,  
2 including water rights, pipelines, and other appurtenances  
3 belonging thereto, and sewer systems, and to enlarge, develop, and  
4 improve the same; and

5           (G) For purposes of subparagraphs (B) and (C):

6           (i) "Infiltration" means groundwater, rainwater, and  
7 saltwater that enters the county sewer system through cracked,  
8 broken, or defective sewer laterals; and

9           (ii) "Inflow" means non-sewage entering the county sewer  
10 system via inappropriate or illegal connections;

11          (24) (A) Each county may impose civil fines, in addition to  
12 criminal penalties, for any violation of county ordinances or rules  
13 after reasonable notice and requests to correct or cease the  
14 violation have been made upon the violator. Any administratively  
15 imposed civil fine shall not be collected until after an  
16 opportunity for a hearing under chapter 91. Any appeal shall be  
17 filed within thirty days from the date of the final written  
18 decision. These proceedings shall not be a prerequisite for any  
19 civil fine or injunctive relief ordered by the circuit court;

20          (B) Each county by ordinance may provide for the addition of  
21 any unpaid civil fines, ordered by any court of competent  
22 jurisdiction, to any taxes, fees, or charges, with the exception  
23 of fees or charges for water for residential use and sewer charges,

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1 collected by the county. Each county by ordinance may also provide  
2 for the addition of any unpaid administratively imposed civil  
3 fines, which remain due after all judicial review rights under  
4 section 91-14 are exhausted, to any taxes, fees, or charges, with  
5 the exception of water for residential use and sewer charges,  
6 collected by the county. The ordinance shall specify the  
7 administrative procedures for the addition of the unpaid civil  
8 fines to the eligible taxes, fees, or charges and may require  
9 hearings or other proceedings. After addition of the unpaid civil  
10 fines to the taxes, fees, or charges, the unpaid civil fines shall  
11 not become a part of any taxes, fees, or charges. The county by  
12 ordinance may condition the issuance or renewal of a license,  
13 approval, or permit for which a fee or charge is assessed, except  
14 for water for residential use and sewer charges, on payment of the  
15 unpaid civil fines. Upon recordation of a notice of unpaid civil  
16 fines in the bureau of conveyances, the amount of the civil fines,  
17 including any increase in the amount of the fine which the county  
18 may assess, shall constitute a lien upon all real property or  
19 rights to real property belonging to any person liable for the  
20 unpaid civil fines. The lien in favor of the county shall be  
21 subordinate to any lien in favor of any person recorded or  
22 registered prior to the recordation of the notice of unpaid civil  
23 fines and senior to any lien recorded or registered after the

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1 recordation of the notice. The lien shall continue until the unpaid  
2 civil fines are paid in full or until a certificate of release or  
3 partial release of the lien, prepared by the county at the owner's  
4 expense, is recorded. The notice of unpaid civil fines shall state  
5 the amount of the fine as of the date of the notice and maximum  
6 permissible daily increase of the fine. The county shall not be  
7 required to include a social security number, state general excise  
8 taxpayer identification number, or federal employer identification  
9 number on the notice. Recordation of the notice in the bureau of  
10 conveyances shall be deemed, at such time, for all purposes and  
11 without any further action, to procure a lien on land registered  
12 in land court under chapter 501. After the unpaid civil fines are  
13 added to the taxes, fees, or charges as specified by county  
14 ordinance, the unpaid civil fines shall be deemed immediately due,  
15 owing, and delinquent and may be collected in any lawful manner.  
16 The procedure for collection of unpaid civil fines authorized in  
17 this paragraph shall be in addition to any other procedures for  
18 collection available to the State and county by law or rules of  
19 the courts;

20 (C) Each county may impose civil fines upon any person who  
21 places graffiti on any real or personal property owned, managed,  
22 or maintained by the county. The fine may be up to \$1,000 or may  
23 be equal to the actual cost of having the damaged property repaired



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1 or replaced. The parent or guardian having custody of a minor who  
2 places graffiti on any real or personal property owned, managed,  
3 or maintained by the county shall be jointly and severally liable  
4 with the minor for any civil fines imposed hereunder. Any such  
5 fine may be administratively imposed after an opportunity for a  
6 hearing under chapter 91, but such a proceeding shall not be a  
7 prerequisite for any civil fine ordered by any court. As used in  
8 this subparagraph, "graffiti" means any unauthorized drawing,  
9 inscription, figure, or mark of any type intentionally created by  
10 paint, ink, chalk, dye, or similar substances;

11 (D) At the completion of an appeal in which the county's  
12 enforcement action is affirmed and upon correction of the violation  
13 if requested by the violator, the case shall be reviewed by the  
14 county agency that imposed the civil fines to determine the  
15 appropriateness of the amount of the civil fines that accrued while  
16 the appeal proceedings were pending. In its review of the amount  
17 of the accrued fines, the county agency may consider:

18 (i) The nature and egregiousness of the violation;

19 (ii) The duration of the violation;

20 (iii) The number of recurring and other similar violations;

21 (iv) Any effort taken by the violator to correct the  
22 violation;

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1 (v) The degree of involvement in causing or continuing the  
2 violation;

3 (vi) Reasons for any delay in the completion of the appeal;  
4 and

5 (vii) Other extenuating circumstances.

6 The civil fine that is imposed by administrative order after  
7 this review is completed and the violation is corrected shall be  
8 subject to judicial review, notwithstanding any provisions for  
9 administrative review in county charters;

10 (E) After completion of a review of the amount of accrued  
11 civil fine by the county agency that imposed the fine, the amount  
12 of the civil fine determined appropriate, including both the  
13 initial civil fine and any accrued daily civil fine, shall  
14 immediately become due and collectible following reasonable notice  
15 to the violator. If no review of the accrued civil fine is  
16 requested, the amount of the civil fine, not to exceed the total  
17 accrual of civil fine prior to correcting the violation, shall  
18 immediately become due and collectible following reasonable notice  
19 to the violator, at the completion of all appeal proceedings; and

20 (F) If no county agency exists to conduct appeal proceedings  
21 for a particular civil fine action taken by the county, then one  
22 shall be established by ordinance before the county shall impose  
23 the civil fine;

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1           (25) Any law to the contrary notwithstanding, any county  
2 mayor, by executive order, may exempt donors, provider agencies,  
3 homeless facilities, and any other program for the homeless under  
4 part XVII of chapter 346 from real property taxes, water and sewer  
5 development fees, rates collected for water supplied to consumers  
6 and for use of sewers, and any other county taxes, charges, or  
7 fees; provided that any county may enact ordinances to regulate  
8 and grant the exemptions granted by this paragraph;

9           (26) Any county may establish a captive insurance company  
10 pursuant to article 19, chapter 431; and

11           (27) Each county shall have the power to enact and enforce  
12 ordinances regulating towing operations.”

13           SECTION 3. Statutory material to be repealed is bracketed  
14 and in strikethrough. New statutory material is underscored.

15           SECTION 4. This Act shall take effect upon its approval.

16

17                                   INTRODUCED BY: \_\_\_\_\_

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19           get:misc:004(2)amisc(rental-car limits)02:ske