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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

January 27, 2021

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

RECEIVED

2021 JAN 28 PM 4:23

OFFICE OF THE
COUNTY CLERK

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: REPEALING THE MINIMUM FINE FOR CERTAIN VIOLATIONS RELATING TO PARKS AND RECREATIONAL FACILITIES (PAF 21-031)

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE REPEALING THE MINIMUM FINE FOR CERTAIN VIOLATIONS RELATING TO PARKS AND RECREATIONAL FACILITIES," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to be "Gabe Johnson".

GABE JOHNSON
Councilmember

paf:ans:21-031c

Enclosure

COUNTY COMMUNICATION NO. 21-78

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE REPEALING THE MINIMUM FINE FOR CERTAIN VIOLATIONS RELATING TO PARKS AND RECREATIONAL FACILITIES

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

SECTION 1. The purpose of this Ordinance is to provide enforcement officers more flexibility in imposing penalties for certain violations relating to parks and recreational facilities, including being in a park between 10:00 p.m. and 6:00 a.m. or when closed to the public. This flexibility is needed in cases involving persons experiencing homelessness, where a mandatory minimum fine of \$150.00 could be excessive, ineffective, and counterproductive.

SECTION 2. Section 13.04A.270, Maui County Code, is amended to read as follows:

“A. Anyone who violates any provision of this chapter, except sections 13.04A.070(E), 13.04A.260, or 13.04A.360 [shall] is, upon conviction, [be] subject to a fine of [not less than \$150.00 and not] no more than \$500.00.”

B. Anyone who violates section 13.04A.070(E) [shall] is, upon conviction, [be] subject to a fine of not less than \$50.00 and not more than \$500.00.

C. Anyone who violates section 13.04A.260 [shall] is, upon conviction, [be] guilty of a petty misdemeanor as defined in section 701-107, Hawaii Revised Statutes, and is subject to a fine of up to \$1,000.00 and imprisonment for a term not to exceed thirty days.

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 Material to be repealed is bracketed.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 takes effect upon its approval.

paf:ans:21-031a