

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

BILL NO. 117 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.270, MAUI COUNTY CODE, 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 more flexibility in imposing penalties for 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 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(B)(1), 13.04A.070(E), 13.04A.260, or 13.04A.360 shall, upon conviction, be subject to a fine of [not] no less than [~~\$150.00~~] \$150 and [not] no more than [~~\$500.00.~~] \$500.

B. Anyone who violates section 13.04A.070(B)(1) shall, upon conviction, be subject to a fine of no more than \$500.

[B] C. Anyone who violates section 13.04A.070(E) shall, upon conviction, be subject to a fine of [not] no less than [~~\$50.00~~] \$50 and [not] no more than [~~\$500.00.~~] \$500.

[C] D. Anyone who violates section 13.04A.260 shall, upon conviction, be guilty of a petty misdemeanor as defined in section 701-107, [Hawaii] Hawai'i Revised Statutes, and is subject to a fine of up to [~~\$1,000.00~~] \$1,000, [and] imprisonment for a term not to exceed thirty days, or both.”

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 Material to be repealed is bracketed.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.

APPROVED AS TO FORM AND LEGALITY:

/s/ Mimi Desjardins

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MIMI DESJARDINS  
Department of the Corporation Counsel  
County of Maui  
hcp:misc:030abill01\_revised:lma  
LF2021-0014  
HCP-30 2021-09-22 Ord Amd Section  
13.04A.270

DIGEST

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BILL NO. 117 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.270, MAUI  
COUNTY CODE, REPEALING THE MINIMUM FINE FOR CERTAIN VIOLATIONS  
RELATING TO PARKS AND RECREATIONAL FACILITIES

This bill proposes to amend Section 13.04A.270, Maui County Code, to repeal the mandatory minimum fine of \$150 for being in a park between 10:00 p.m. and 6:00 a.m. or when closed to the public.

I, KATHY L. KAOHU, County Clerk of the County of Maui, State of Hawaii, DO  
HEREBY CERTIFY that the foregoing BILL NO. 117 (2021) was passed on First Reading  
by the Council of the County of Maui, State of Hawaii, on the 1st day of October, 2021,  
by the following vote:

AYES: Councilmembers Gabriel Johnson, Kelly T. King, Michael J. Molina,  
Tamara A.M. Paltin, Shane M. Sinenci, Yuki Lei K. Sugimura,  
Vice-Chair Keani N.W. Rawlins-Fernandez, and Chair Alice L. Lee.

NOES: None.

EXCUSED: Councilmember Natalie A. Kama.

DATED at Wailuku, Maui, Hawaii, this 4th of October, 2021.



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KATHY L. KAOHU, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,  
County of Maui, for use and examination by the public.